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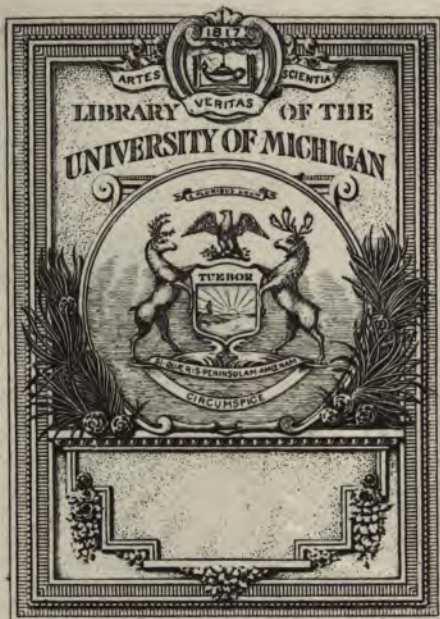
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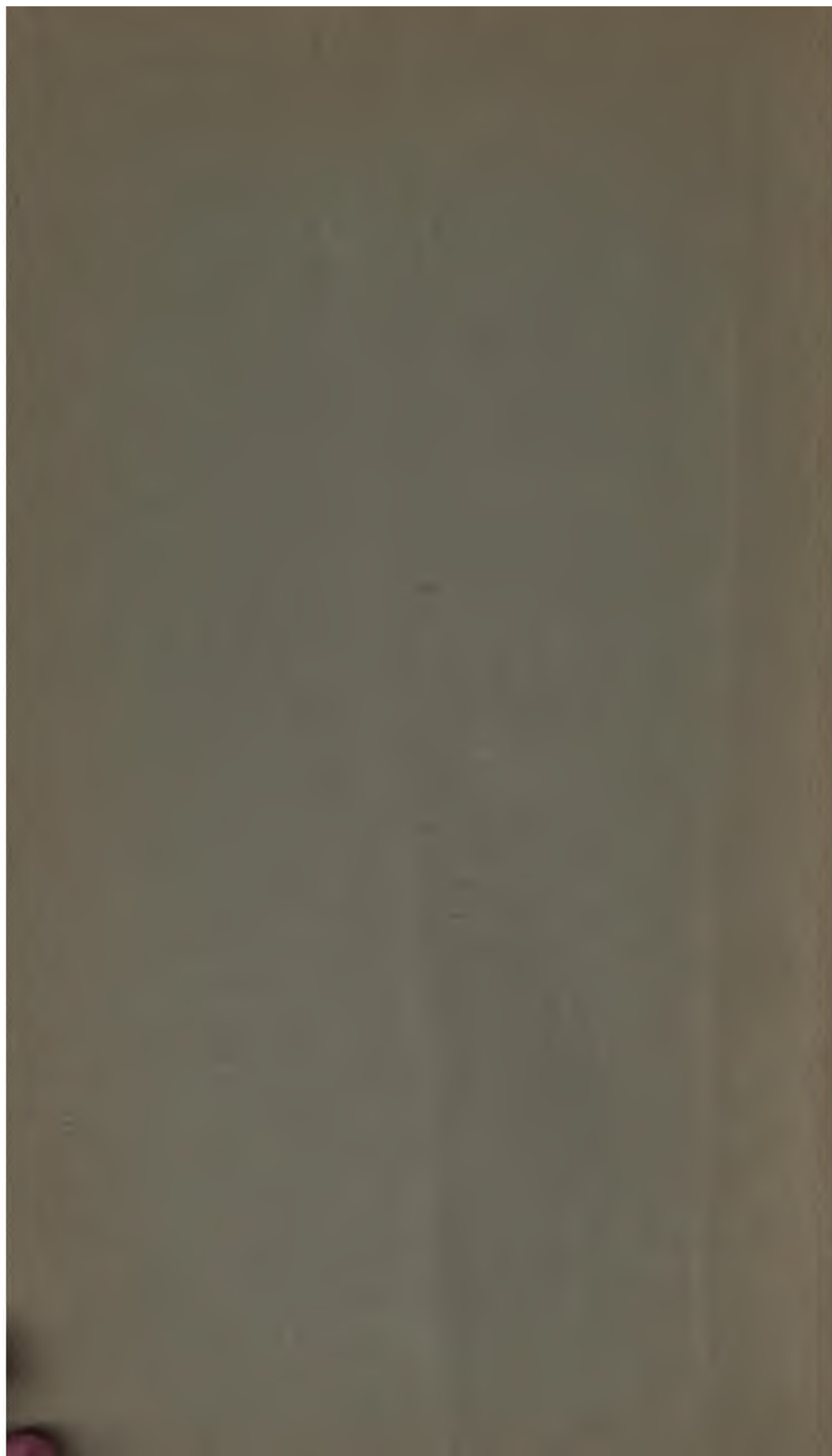
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Volume I



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ARCHIVES
OF THE
STATE OF NEW JERSEY.

FIRST SERIES.

Vol. I.



ARCHIVES
OF THE
STATE OF NEW JERSEY.

FIRST SERIES.

Vol. I.

This volume was compiled and edited by authority of the State of New Jersey; at the request of the New Jersey Historical Society, and under the direction of the following committee:

NATHANIEL NILES, Ch'n.

MARCUS L. WARD,

JOEL PARKER,

W. A. WHITEHEAD.



1788

DOCUMENTS

RELATING TO THE

COLONIAL HISTORY



OF THE

STATE OF NEW JERSEY,

EDITED BY

WILLIAM A. WHITEHEAD,

Corresponding Secretary of the New Jersey Historical Society; Author of East Jersey Under the Proprietary Governments; Contributions to the Early History of Perth Amboy and the Surrounding Country; Editor of the Papers of Lewis Morris, and of an Analytical Index to the Colonial Documents of New Jersey, &c., &c.

VOLUME I.

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GENERAL INTRODUCTION.

It is an advantage, which the United States of America enjoy over older countries, that they can trace, with much greater precision, the course of events, which have marked their progress from their first settlement. But this advantage is attended by responsibilities, which are not always properly regarded. It is not enough that their respective histories can be more readily rescued from oblivion, by patient and diligent research; it is of equal, if not of more, importance, that the materials for those histories should be so preserved as to be always readily available, to enlighten their citizens as to the events of the past, and intimate the effect, upon the future, of the lessons those events are calculated to teach.

In the preface to his impartial and eloquent history of the United States, Mr. GRAHAME thus alludes to their annals:—"There never has been a people on whose character their own historical recollections were calculated to exercise a more animating or salutary influence. * * * The origin of the nation, and the rise and progress of

its institutions, may be distinctly ascertained ; and the people enabled to acquire a complete and accurate conception of the character of their earliest national ancestors, as well as of every succeeding generation, through which the inheritance of the national name and fortunes has devolved upon themselves." These sentiments were those entertained by the gentlemen who, in 1845, organized the "New Jersey Historical Society," with the view "to discover, procure and preserve whatever relates to any department of the history of New Jersey—natural, civil, literary or ecclesiastical—and, generally, of other portions of the United States."

In 1843, previous to the organization of the Society, the same gentlemen—being impressed with the propriety of New Jersey's taking some steps to obtain from the English Archives, copies of the records referring to the Provincial history of the State—brought the subject to the attention of the Legislature, and, at the next session, Governor HAINES alluded to it in his annual message. This led to the introduction of a series of resolutions, emanating from the Judiciary Committee, which were intended to effect the object through Mr. John Brodhead, the agent of New York ; then abroad, engaged in securing the documents referring to that State. Although preceded by a favorable report, the resolutions, as they required a majority of two-thirds, did not pass.

In 1846, the Historical Society presented a memorial, urging action on the part of the Legislature; but, notwithstanding a recommendation of Governor STRATTON, and another favorable report, from a special committee, the measure was again defeated.

The Society, however, continued its endeavors to effect the object in view; and, in 1849, through private subscriptions, secured sufficient funds to take the preparatory step of obtaining an index to the New Jersey Colonial Documents in the State Paper Offices, through an agent in London. This was completed in 1851; and, in 1854, the duty of editing the Index was assigned to Mr. Whitehead, the Corresponding Secretary; and, in 1858, under the title of "An Analytical Index to the Colonial Documents of New Jersey, in the State Paper Offices of England; with Notes and References to Printed Works and Manuscripts in other Depositories," the Society published a valuable volume of over 500 pages; furnishing the title, date, place of deposit and summary of contents of each document—over 3,500 in all—both in England and America; constituting the fifth volume of its "Collections:" the Legislature subscribing for 500 copies of the work.

This action of the Historical Society developed the interesting nature of the documents sought to be obtained, and delay in their procurement could

no longer be regarded with favor. But still, it was not until 1872, through the instrumentality of the Hon. NATHANIEL NILES, Member of the Legislature, from Morris County, that authority was given to the Society to procure copies of all papers, directly referring to the history of the State, which might be found in the State Paper Offices in England. This was subsequently, in 1874, so modified, as to include the procurement of documents, of a like import, that might be found elsewhere; and, in 1878, the authority was still further extended to the arranging, collating and publishing the papers thus procured.

The Society appointed, as the committee to have charge of these important duties, the Hon. NATHANIEL NILES, Ex-Governor DANIEL HAINES, Ex-Governor JOEL PARKER and W. A. WHITEHEAD. In 1878, Ex-Governor MARCUS L. WARD was appointed on the Committee, in place of Ex-Governor HAINES, who had died; and the duty of editing and preparing the documents for the Press, and superintending the printing of the several volumes, was, at the request of the Society, assigned to Mr. Whitehead. The first of these volumes is here presented.

On entering upon his duties, the Editor found several questions demanding his consideration:—

First.—Within what limits should the selection of the papers to be printed be confined? As there

could be no doubt of the additional value given to the "Analytical Index," referred to above, by including therein references to papers found elsewhere than in the State Paper Offices of England, the Committee was considered to have acted wisely, in securing copies of all documents of the character sought to be secured, referring to New Jersey, wherever found; and, with comparatively few exceptions, all thus selected will be found printed in these volumes. For, although papers of much importance in arriving at right conclusions, respecting many events in our history, have already been incorporated in the few works thereon, which have been published; yet, to leave them out of this compilation, in consequence, would render the volumes defective, and deprive them of—what, it is hoped, they will ever deserve—the consideration due to reliable authorities for facts bearing upon any event of the early history of the State.

Second.—To what extent should his notes and annotations be carried? Although many of the documents may throw much light upon individual character and incidental circumstances, elucidating important events; yet, as they were not intended to constitute parts of a connected narrative, it seemed advisable that casual allusions to persons and events identified with the period, might be rendered more serviceable, by receiving additional dates and explanations; and to that end the remarks of the Editor

have been directed, in this connection. He cannot promise his fellow-citizens that they will find the result of his labors as complete as they may desire. Comprehensive, as he may have aimed to make them, he is fully aware that they come far short of the perfection sought. No one can regret more than himself, that what is intended to awaken the people of New Jersey to greater interest in the history of the State, should fail to realize any expectations that may have been aroused.

In the use of capital letters, and in punctuation, the original documents have been scrupulously followed; and the abbreviations, so common in old manuscripts, have been imitated as nearly as possible. Those accustomed to examine such manuscripts, will have noticed the practice of omitting vowels—substituting for a double consonant a single letter—and the leaving off one or more letters at the end of a word—a circumflex above the line taking the place of one or all. These peculiarities have been sought to be preserved in these pages by the use of apostrophes above the line.

W. A. WHITEHEAD.

NEWARK, N. J., *November*, 1880.

S O U R C E S

WHENCE THE DOCUMENTS IN THIS VOLUME WERE OBTAINED.

Documents relating to the Colonial History of the State of New York.

The Grants and Concessions and Original Constitutions of the Province of New Jersey, by Aaron Leaming and Jacob Spicer.

New Jersey Historical Society Library.

Records of East Jersey Proprietors, at Perth Amboy.

Secretary of State's Office, Albany, New York.

Public Record Office, London, England.

Minutes of the Provincial Council of Pennsylvania.

Pennsylvania Archives.

New York Historical Society Library.

Records of Newcastle, Delaware.

Secretary of State's Office, Trenton, New Jersey.

Woodbridge Town Records.

Johnson's History of Salem.

Smith's History of New Jersey.

Charles H. Winfield, of Jersey City.

William A. Whitehead, of Newark.

E R R A T A .

Pages 28 and 93.—In titles of documents, instead of "East Jersey" read *New Jersey.*

Page 163.—In title of document, for "New Jersey" read *Northern New Jersey.*

Page 366.—For "Thomas Heywood" read *John Heywood,*

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NEW JERSEY
COLONIAL DOCUMENTS.

*Patent to Samuel Godyn and Samuel Bloemnaert for the
East Side of Delaware River, now Cape May County,
New Jersey.*

[From New York Colonial Documents, Vol. XII., page 17.]

We, Director and Council of New-Netherland, residing on the Island of Manhattan at Fort Amsterdam, under the jurisdiction of Their Noble High Mightinesses, the Lords-States-General of the United Netherlands and the Incorporated West-India Company, Department of Amsterdam, attest and declare herewith that to-day, date underwritten, appeared Peter Heyssen, skipper of the ship "Walvis," at present lying in the South river, and Gillis Hosset, commissary on the same, who declare, that on the 5th day of May, last past, before them appeared personally, Sawowouwe, Wuoyt, Pemhake, Mekowetick, Techepewoya, Mathamek, Sacock, Anehoopoen, Janqueno and Pokahake, lawful owners, proprietors and inhabitants of the east side of Goddyn's East bay, called Cape de Maye, who for themselves in proportion of their own shares and for all the other owners in regard to their shares of the same land, declared of their own accord and deliberately in their said quality, to have transported, ceded and conveyed as lawful, unalienable and free property by virtue and title of sale and in consideration of a certain quantity of goods, which they, the conveyors, acknowledge in their said quality to have received and accepted before the passing of this contract, and they herewith transport, cede and convey, to and in behoof of the Noble Honorable Samuel Godyn and Samuel Bloemnaert (who are absent and for whom they had accepted the hereafter described land subject to the usual reservation) to wit.: the east side of Godyn's bay or

Cape de May, reaching 4 miles from the said cape towards the bay and 4 miles along the coast southward, and another 4 miles inland, being 16 square miles, with all interests, rights and privileges, which were vested in themselves in their aforesaid quality, constituting and delegating the aforesaid purchasers in their own stead as real and actual owners thereof and giving and surrendering at the same time to their Honors, full, absolute and irrevocable power, authority and special charge, that *tamquam actores et procuratores in rem propriam* the Noble Messrs. Godyn and Bloemmaert or those, who might hereafter receive their property, enter upon, possess in peace, inhabit, cultivate, keep, use, do with, trade and dispose of the aforesaid land as they would do with their own inherited lands and fiefs, without that they, the conveyors shall have, reserve or keep in the least degree any particle of claim, right or privilege thereon be it of ownership, authority or jurisdiction, but for the behalf as aforesaid they herewith entirely and absolutely desist from, give up, abandon and renounce it now and forever, promising further not only to keep, fulfill and execute firmly, inviolately and irrevocably in infinitum this, their contract and what might be done hereafter on the authority thereof, but also to deliver the said tract of land and keep it free against every body, from any claim, challenge or incumbrance which any body might intend to create; as well as to have this sale and conveyance approved and confirmed by the remainder of the co-owners, for whom they are trustees; all this under the obligations required by law, in good faith, without evil intent or deceit. In testimony whereof this has been confirmed by our usual signature and our seal appended thereto. Done on the aforesaid Island of Manhattan, at Fort Amsterdam, the 3^d of June, A^o 1631 ¹

¹ This patent and one for land on the south side of the bay, were issued by Peter Minuit, while Director of New Netherland, and is the only document found in Holland by Mr. Brodhead, as having come down to the present time from the West India Company, the rest having been sold as waste paper. See note of B. Fernow, N. Y. Col. Doc'ts, Vol. XII., p. 17, and N. Y. Col. Doc'ts, Vol. I., p. 43. Ed.

*Patent from King Charles II. to James, Duke of York,
for tract of land in New England, including New
Jersey.*

[From an exemplified Copy, made for John Fenwick, in the New Jersey Historical Society Library.]

Carolus¹ **Secundus** Dei gratia Anglie Scotie francie & hibine Rex fidei defensor &c Omibus ad quos p'sentes littere' perve'n'int sal'tm. Inspeximus Irrotulamen quasdā l'ras n'ras paten' sub magno Sigillo n'ro Anglie' sigillat' geren' dat' apud Westm' duodecimo die Marcij Anno regni n'ri sexto decimo p'charissimo fratri n'ro Jacobo Duci Ebor' confect' in rotul Cancellar nre' p'dre irrotulat at ebm de recordo remanen in hec verba Charles the second by the grace of Gode &c To all to whome these p'sents shall come greeting knowe yee that wee for divers good causes & considerat'ons vs therevnto moveing have of our espe- c'all grace certaine knowledge & meere mot'on given & granted and by these p'sents for vs, our heires & Suces- sors doe give & grant vnto our dearest Brother James Duke of yorke his heires & Assignes all that part of the Mayne land of New England begin'ing at a certaine place called or knowne by the name of St. Croix next adioyning to new Scotland in America and from thence extending along the Sea Coast vnto a certaine place called Pemaquie or Pemaquid, and soe vpp the River thereof to the furthest head of the same as it tendeth Northwards and extending from thence to the River of Kinebequine and soe vppwards by the shortest course to the River Cannada Northwards And alsoe all that Island or Islands comonly called by the severall name or names of Mattowacks or Long Island

¹ The copy from which this was taken is beautifully engrossed on parchment, not only having an engraved portrait of the King, encircled by the letter C of his name, but also an ornamental engraved border surrounding the whole document. As will be observed, it is entirely devoid of punctuation. ED.

scituate Lying & being towards the west of Cape Codd & the Narrohigansetts abutting vpon the Maine land betweene the two Rivers there called or knowne by the severall names of Conectecutte & hudsons River together alsoe with the said River called hudsons River and all the land from the West side of Conectecutte River to the East side of Delaware Bay and alsoe all those seu'all Islands called or knowne by the names of Martin Vinyards & Nantukes otherwise Nantuket together with all the lands Islands Soyles Rivers harbours Mynes Mineralls, Quarries Woods Marishes Waters lakes fishings hawking hunting & fowling and all other Royalties profitts com'odities & hereditaments to the said severall Islands lands & p'misses belonging & apperteyning with their and every of their app'ten'nces and all our estate right title Interest benefit advantage clayme & demand of in or to the said lands & p'misses or any parte or p'cell thereof and the revert'on & revert'ns remainder & remainders together with the yearly & other the rents reven'ues & p'fitts of all & singuler the said p'misses and of every part & parcell thereof To have & to hold all & singuler the said lands Islands hereditaments & p'misses with their & every of their app'ten'nces hereby given & granted or hereinbefore ment'oned to bee given & granted vnto our said dearest brother James Duke of yorke his heires & assignes forever To the onely p'per use & behoofe of the said James Duke of yorke his heires & assignes forever To be holden of vs our heires & Successors as of our Mannor of East Greenwich in our County of Kent in free & com'on soccage & not in Capite or by Knights service yeelding & rendring and the said James Duke of yorke doeth for himself his heires & assignes covenant & promise to yeeld & render vnto vs our heires & Successors of & for the same yearly & every yeare fortie Beaver Skinnes when they shall be demanded or within ninety dayes after And we doe further of our especiall grace certaine knowledge & meere mot'on for us our heires & Successors give & grant

vnto our said dearest brother James Duke of yorke his heires Deputies Agents Comissioners & Assignes by these p'sents full & absolute power & authority to correct punish pardon governe & rule all such the Subjects of vs our heires and Successors as shall from time to time adventure themselves into any the parts or places aforesaid or that shall or doe at any time hereafter inhabit within the same according to such Lawes Orders Ordinances direct'ons & instruments as by our said dearest Brother or his Assignes shall be established And in defect thereof in cases of necessity according to the good descret'ons of his deputies, Comissioners Officers or assignes respectively as well in all causes and matters Capitall & Criminall as civill, both marine & others Soe alwaies as the said Statutes ordinances & proceedings bee not contrary to but as neare as conveniently may bee agreeable to the Lawes Statutes & governm't of this our Realme of England And saveing & reserving to vs, our heires & Successors the receiving hearing & determining of the Appeale & Appeales of all or any person or persons of in or belonging to the Territories or Islands aforesaid or in or touching any Judgem^t or Sentence to be there made or given And further that it shall & may be lawfull to & for our said dearest brother, his heires & assignes, by these p'sents, from time to time, to nominate make constitute Ordeyne & confirme by such name, or names Style or Styles as to him or them shall seeme good And likewise to revoke discharge change & alter as well all & singular Governors Officers & Ministers w^{ch} hereafter shal be by him or them thought fitt & needfull to bee made or vsed within the aforesaid parts & Islands And alsoe to make ordeyne & establish all manner of Orders Lawes direct'ons Instruct'ons formes & ceremonies of Governm^t & Magistracy fitt & necessary for & conc'ning the Governm^t of the Territories & Islands aforesaid Soe alwaies as the same be not contrary to the Lawes & Statutes of this our Realme of England but as neare as may be agreeable therevnto and the same at all times here-

after to putt in execut'on or abrogate revoke or change not only within the p'incts of the said Territories or Islands but alsoe upon the Seas in goeing & comeing to & from the same as he or they in their good descret'ons shall thinke to bee fittest for the good of the Adventurers & Inhabitants there And wee doe further of our especiall grace certaine knowledge & meer mot'on grant ordeine & declare that such Governors Officers & Ministers as from time to time shall be authorized & appointed in manner & forme aforesaid shall & may have full power & authority to vse & exercise Marshall Lawe in cases of Rebellion insurrec'on & mutiny in as large & ample manner as our Lieutenants in our Counties within our Realme of England have or ought to have by force of their com'ission of Lieuten'ncie or any Law or Statute of this our Realme And wee doe further by these p'sents for us, our heires & Successors, grant vnto our said dearest Brother James Duke of yorke his heires & assignes that itt shall & may be lawful to & for the said James Duke of yorke his heires & assignes in his or their discret'ons from time to time to admitt such & soe many person & p'sons to trade & traffique vnto & within the Territories & Islands aforesaid and into every or any part & p'cell thereof And to have possesse & enioy any Lands or hereditam^t in the parts & places aforesaid As they shall thinke fitt according to the Lawes Orders Constitut'ons and Ordinances by our said brother, his heires deputies Com'issioners & assignes from time to time to bee made and established by vertue of & according to the true intent & meaneing of these presents, and vnder such condit'ons reservat'ons and agreements as our said brother his heires or assignes shall set downe order direct and appoint and not otherwise as aforesaid. And wee doe further of our especiall grace certaine knowledge & meere mot'on for vs our heires and Successors give and grant to our said deare Brother his heires and assignes by theis presents that it shall and may bee lawfull to & for him them or any of them att all and every tyme and tymes hereafter out of any our

Realmes or dominions whatsoever to take leade carry and transport in and into their voyages and for and towards the Plantac'n our said Territories and Islands, all such and soe many of our loving Subiects or any other strangers being not prohibited or vnder restraint that will become our loving Subiects and live vnder our allegiance as shall willingly accompany them in the said voyages together with all such Clothing Implements furniture and other things vsually transported and not prohibited as shall bee necessary for the Inhabitants of the said Islands & territories and for their vse and defence thereof and mannageing and carrying on the Trade with the People there and in passing and returning to and fro yeelding & paying to vs our heires & Successors the Customes and duties therefore due & payable according to the Lawes and Customes of this our Realme And wee doe alsoe for vs our heires & Successors, graunt to our said dearest Brother James Duke of yorke his heires and assignes and to all and every such Governor or Governors or other Officers or Ministers as by our said Brother his heires or Assignes shall be appointed to have Power and authority of Government and Coim'and in or over the Inhabitants of the said Territories or Islands that they and every of them shall and lawfully may from tyme to tyme and at all times hereafter forever for their severall defence and safety encounter expulse repell and resist by force of armes as well by Sea as by land and all wayes and meanes whatsoever all such person & persons as without the speciall Licence of our said deare Brother his heires or assignes shall attempt to inhabit within the severall precincts and Limits of our said Territories and Islands And alsoe all and every such person and persons whatsoever as shall enterprise or attempt at any time hereafter the destruct'on invasion detriment or annoyance to the parts places or Islands aforesaid or any parte thereof And lastly our will and pleasure is and wee doe hereby declare & grant that these our letters patents or the Inrollment thereof shall bee good and effectuell in the lawe to all

intents & purposes whatsoever Notwithstanding the not reciteing or ment'oning of the p'misses or any parte thereof or the meets or bounds thereof or of any former or other letters patents or Grants heretofore made or granted of the p'misses or of any part thereof by vs or of any of our progenitors vnto any other person or persons whatsoever Bodies politique or corporate or any act lawe or other restraint incerteinty or imperfect'on whatsoever to the contrary in any wise notwithstanding Although expresse ment'on &c In witness &c Witsesse ourselfe at Westminster the twelfth day of March in the sixteenth yeare of our reigne pip'm Regem Nos antem tenorem L'rarum paten p'decan ad requisito'em Johannis Fenwick Armigeri duximus exemplificand per presentes In cujus rei Testimoniu'm has L'ras nr'as fieri fecimus paten Teste meip'o apud Westm' quinto decimo die Junij Anno regni nostri vicesimo septimo

Exammat. per nos { LACON W^m CLITCH } in Cancellar. R
 et THO. ESTROMB } anglis

*Lease from James, Duke of York, to John, Lord Berkeley,
 and Sir George Carteret, for New Jersey.*

[From Original in New Jersey Historical Society Library.]

This Indenture made the Three & Twentieth day of June in the Sixteenth yeare of the Reigne of our Sovereigné Lord Charles the Second by the Grace of God of England Scotland France and Ireland King Defender of the Faith &c Anno Dni 1664 BETWEENE his Royale highnesse James Duke of Yorke and Albany Earle Vlster Lord high Admirale of England and Ireland &c Constable of Dover

Castle Lord Warden of the Cinque Ports and Governour of Portsmouth of the one part John Lord Berkeley Baron of Stratton and one of his Ma'ties most hon^{ble} Privy Counsell and S^r George Carterett of Saltrum in the County of Deven Ken^t and one his Ma^{ties} most hon^{ble} Privy Counsell of the other part ~~Witnesseth~~ that the said James Duke of Yorke for and in considerat'on of the summe of Tenn Shillings of Lawfull money of England to him in hand payd before the Sealing and Delivery hereof by the said John Lord Berkeley and S^r George Carterett the receipt whereof the said James Duke of Yorke doth hereby acknowledge and thereof doth acquitt and discharge the said John Lord Berkeley and S^r George Carterett for ever by these pre'tes. **Hath** bargained and sold and by these pre'tes pre'tes doth bargain and sell unto the said John Lord Berkeley and S^r George Carterett **All** that Tract of Land adjacent to New England and Lying and being to the Westward of Long Island and Manhitas Island and bounded on the East part by the Maine Sea and part by Hudsons River and hath Vpon the West Delaware Bay or River extendeth Southward to the Maine Ocean as farre as Cape May at the mouth of Delaware Bay or River of Delaware which is in fourty one degrees and fourty minutes of Lattitude and Crosseth over thence in a Straight Line to Hudsons River in fourty one degrees of Lattitude which said Tract of Land is hereafter to be called by the name or names of New Cesarea or New Jersey and also all Rivers mines mineralls Woods fishings hawking hunting and fowling and all other Royalties proffitts comodities and hereditam^{ts} whatsoever to the said Lands and premisses belonging or aperteyning with their and every of their apertenences and the Revercon and Revercons Remainder and Remainders thereof **To have** and to hold the said Tract of Land & premisses with their and every of their appurtenences vnto the said John Lord Berkeley & S^r George Carterett from the first day of May Last past before the date hereof vnto the full end and Terme of one whole yeare from thence next ensueing and fully to be

Compleate & ended YEILDING and paying therefore vnto the said James Duke of Yorke his heires and assignes the rent of a pepper corne vpon the Feast of the nativity of S^t John Baptist next ensueing the date hereof (only if the same shall bee Lawfully demanded IN WITNES whereof the parties aforesaid to these pre'te Indenture have enterchangably sett their hands and seales the day and yeare first above written.

[On the back.]

Sealed & delivered in the presence of W^m Coventrye Tho: Haywood.

James.

Release from James, Duke of York, to John, Lord Berkeley, and Sir George Carteret, for New Jersey.

[From Original in New Jersey Historical Society Library.]

This Indenture Made the ffoure & Twentyeth day of June in the Sixteenth yeare of The Reigne of our Sovereigne Lord CARLIS the Second by the Grace of God of England Scotland ffrance and Ireland King Defender of the ffaith &c Annoq Dni 1664 BETWEENE his Royall Highnesse James Duke of Yorke and Albany Earle of Vlster Lord High Admirall of England and Ireland Constable of Dover Castle Lord Warden of the Cinque Ports and Governour of Portsmouth of the one part John Lord Berkeley Baron of Stratton and one of his Ma^{ties} most Hono^{ble} Privy Counsell and S^r George Carterett of Saltrum in the County of Deven K^{'nt} And one of his Ma^{'ties} most hono^{ble} Privy Counsel of the other partt ~~Whereas~~ his said Ma^{tie} King Charles the Second by his Letters Pattents Vnder the

great Seale of England bearing Date on or about the Twelfth day of March in the Sixteenth yeare of his said Ma^{ties} Reigne Did for the Considerac'ons therein menc'oned give and Graunt vnto his said Royall Highnesse James Duke of Yorke his heires and assignes **A**ll that part of the Maine Land of New England beginning at a Certaine place called or known by the name of S^t Croix next adjoyning to New Scotland in America and from thence extending along the Sea Cost vnto a Certaine place called Pemaquide or Pemaquid and soe by the River thereof to the furthest head of the same as it Tendeth Northward and extending from thence to the River of Kimboqui and soe vpwards by the Shortest Course to the River Cannada Northwards And alsoe all that Island or Islands com'only Called by the Severall name or names of Matowacks or Long Island Scituate and being Towards the West of Cape Codd and the Narrow Higansetts abutting upon the Mayne Land betweene the Two Rivers there called or known by the severall names of Conectocutte and Hudsons River Together also with the said River Called Hudsons River and all the Land from the West side of Conectocutte River to the East side of Delaware Bay and also Severall other Islands and Lands in the said Letters Pattents menc'oned Together with the Rivers Harbours Mines Mineralls Quarries Woods Marshes waters Lakes fishing Hawking Hunting and fowling and all other Royalties proffits, Com'odities and Hereditaments to the said severall Islands Lands and premisses belonging and [appertaining] **To have** and to hold the said Lands Island hereditaments & premisses with their and every of their appurten'nces vnto his said Royall [Highness James] Duke of Yorke his heires and assignes for ever To be holden of his said Ma^{tie} his heires and Successors as of the Mannor of East Greenwich in the county of Kent in free and com'on Soccage Yeilding and Rendring vnto his said Ma^{tie} his heires and Successors of and for the same yearely and every yeare fourty Beaver Skinnes when they shall bee demanded or within Ninety

Dayes after with divers other graunts clauses provisoes and agreements in the said Recited Letters Pattents Conteyned as by the said Letters Pattents relacon being therevnto had it doth and may more plainly and at Large appeare **Now this Indenture witnesseth** that his said Royall Highnesse James Duke of Yorke for and in Consideracon of a Competent Sum'e of Good and Lawfull money of England to his said Royal Highnesse James Duke of Yorke in hand payd by the said John Lord Berkeley and S^r George Carterett before the Sealing and Delivery of these pre'tes the receipt whereof the said James Duke of Yorke dothe hereby acknowledge and thereof doth acquitt and Discharge the said John Lord Berkeley and S^r George Carterett for ever by these p'sents **Hath** Graunted Bargained sold released and Confirmed and by these p'ntes Doth graunt Bargaine Sell release and Confirme vnto the said John Lord Berkeley and S^r George Carterett their heires and assignes for ever **All** That Tract of Land adjacent to New England and lying and being to the Westward of Long Island and Manhitas Island and Bounded on the East part by the maine Sea and part by Hudsons River and hath upon the West Delaware Bay or River and extendeth Southward to the maine Ocean as farre as Cape May at the mouth of Delaware Bay and to the Northward as farre as y^e Northermost Branch of the said Bay or River of Delaware which is in fourtie one degrees and fourtie Minutes of Lattitude and Crosseth over thence in a Straight Line to Hudsons River in fourty one degrees of Lattitude which said Tract of Land is hereafter to be called by the name or names of New Cesarea or New Jersey and also all Rivers mines mineralls woods fishings hawking hunting and fowling and all other Royalties proffitts Com'odities and hereditaments whatsoever to the said Lands and premisses belonging or any wise apperteyning with their and every of their appurten'nces in as full and ample Manner as the same is graunted to the sayd Duke of Yorke by the before recited Letters Pattents and all the Estate Right Title interest benefitt ad-

vantage clayme and Demand of the said James Duke of Yorke in or to the said and premisses or any part or parcell thereof and the Revere'on and Revere'ons Remainder and Remainders thereof All which said Tract of Land and premisses were by Indenture bearing [date the] day before the date hereof bargained and sold by the said James Duke of Yorke vnto the said John Lord Berkeley and S^r George Carterett for the Terme of one whole yeare To com'ence from the first day of May Last past before the date thereof vnder the Rent of a pepper Corne payable as therein is menconed as by the said Deed more plainly may appeare By fforce and [virtue] of which said Indenture of Bargaine and Sale and of the Statute for Transferring of Vses into possession the said John Lord Berkeley and S^r George Carterett are in actuall possession of the [said] Tract of Land and premisses and enabled to take a graunt and Release thereof (the said Lease being made to that end and purpose **To have and to hold** all and Singular the sayd Tract of land and premisses with their and every of their app'ten'nces and every part and parcell thereof vnto the said John Lord Berkeley and S^r George Carterett their heires and assignes [for] ever to the only Vse and behoefe of the said John Lord Berkeley and S^r George Carterett their heires and assignes for ever **Heilding** and Rendring therefore vnto the said James Duke of Yorke his heires and assignes for the sayd Tract of Land and premisses yearely and every yeare the su'me of Twentie Nobles of Lawfull money of England if the same shall be lawfully demanded at or in the Inner Temple Hall London at the feast of S^t Michaell the Archangell yearely **And the said** John Lord Berkeley and the said S^r George Carterett for themselves [and] their Heires Coven'nte and graunt to and with the said James Duke of Yorke his heires by these pr'tes that they the said John Lord Berkeley and S^r George Carterett their heires and assignes shall and will well and truly pay or Cause to be payd unto the said James Duke of Yorke his heires and assignes the said yearely rent of Twenty

Nobles at such time and place and in such manner and forme as before in these presents is expressed and declared **In Witnes** whereof the parties aforesaid to these present Indentures have Interchangable sett their hands and seales the day and years first above [written].

[May it] please your Royall
[Highness] This Containes your
[Highnesses] grant of New
[Cesarea or] New Jersey vnto
[Lords Berkeley and Carteret]

JAMES

[On the back.]

Signed Sealed & Delivered in the
presence of W^m Coventrye
Tho. Heywood

Application for Elizabethtown Grant.

[From Grants and Concessions, p. 668.]

To the Right Honourable Colonel *Richard Nicolls* Esq ;
Governor of *New York*, &c. The humble Petition of us
subscribed, Sheweth.

That several of us your Petitioners, being intended formerly to have purchased and settled a Plantation upon the River called after *Cull*¹ River, before your arrival into these Parts, our Intentions notwithstanding our making some way with the Indians, and charges and expences, about the Premises, was obstructed by the then ruling Dutch, and some of us by reason of not having any Accommodations here were put upon thoughts of removing into some other

¹ Subsequently known as "Arthur Cull Sound." The term used in the document is a corruption undoubtedly of *Achter Kol*, by which the land west of the "Kill van Kull" was at first designated. ED.

of his Majesty Dominions, but now upon this your happy arrival and the Decease of the Dutch Interest we would gladly proceed in the Design aforesaid; In order whereunto we make bold with all Humility to Petition to your Honour, that you would grant us Liberty to purchase and settle a parcel of Land to improve our Labour upon in the River before mentioned, and some of us being destitute of Habitations where we are, we crave your Answer with as much Expedition as may be; we humbly take our Leaves at present and subscribe your Honours to Command.

From *Jamaica*, commonly so called September 26, 1664

JOHN BAILIES [Bailey]
 DANIEL DENTON
 THOMAS BENEDYCK
 NATHANIEL DENTON
 JOHN FOSTER
 LUKE WATSON

UPON perusal of this Petition I do consent unto the Proposals, and shall give the undertakers all due Encouragement in so good a Work, given under my Hand in Fort *James*, this 30th of *September*, 1664

RICHARD NICHOLS [Nicolls]

A true Copy extracted out of Elisabeth-Town Book, of Record, N^o A, folio 11, this 24th of July, 1708

per SAMUEL WHITEHEAD Town Clerk

Indian Deed for Elizabethtown Grant.

[From Grants and Concessions, p. 669.]

THIS INDENTURE made the 28th Day of *October* in the Sixteenth Year of the Reign of our Sovereign Lord CHARLES

the Second, by the Grace of God of *England, Scotland, France and Ireland*, King, Defender of the Faith &c. between *Mattano Manamowaone*, and *Cowescomen*, of *Staten-Island*, of the one Part, and *John Baily, Daniel Denton*, and *Luke Watson* of *Jamaica*, in *Long-Island* Husbandmen, on the other Part. WITNESSETH, that the said *Mattano, Manamowaone*, and *Cowescomen*, hath clearly bargained and sold unto the said *John Baily, Daniel Denton*, and *Luke Watson*, their Associates, their Heirs and Executors, one Parcel of Land Bounded on the South by a River commonly called the *Raritons* River, and on the East by the River which Parts *Staten-Island* and the Main, and to run Northward up after *Cull-Bay*, till we come at the first River which sets Westwards up after *Cull-Bay*, aforesaid, and to run West into the Country twice the Length as it is broad from the North to the South of the aforemention'd Bounds ; together with the Lands, Meadows, Woods, Waters, Fields, Fences, Fishings, Fowlings, with all and singular the Appurtenances with all gains profits and Advantages arising upon the said Lands, and all other the Premises and Appurtenances to the said *John Baily, Daniel Denton*, and *Luke Watson*, with their Associates, with their and every of their Heirs, Executors, Administrators or Assigns, for ever, To HAVE AND TO HOLD the said Lands with the Appurtenances to the said *John Baily, Daniel Denton*, and *Luke Watson*, with their Associates, their Executors, or Assigns. And the said *Mattano, Manamowaone*, covenant, promise, grant and agree to and with the said *John Baily, Daniel Denton*, and *Luke Watson*, and their Associates, their Heirs and Executors, to keep them safe in the Enjoyments of the said Lands, from all expulsion and incumbrances whatsoever, may arise of the said Land, by any Person or Persons by reason of any Title had or growing before the Date of these Presents : For which bargain and sale, covenants, grants and agreements in the behalf of the said *Mattano, Manamowaone*, and *Cowescomen*, to be performed observed and done the

aforesaid Parties are at their entry upon the said Land, to pay to the said *Mattano*, *Manamowaone*, and *Cowescomen*, Twenty Fathom of Trading Cloth, two made Coats, two Guns, two Kettles, Ten Barrs of Lead, Twenty Handfuls of Powder. And further the said *John Baily*, *Daniel Denton*, and *Luke Watson*, do covenant, promise grant, and agree to and with the said *Mattano* *Manamowaone*, and *Cowescomen* the aforesaid Indians, four Hundred Fathom of white Wampum after a Years Expiration from the Day of the said *John Baily*, *Daniel Denton*, and *Luke Watson's* entry upon the said Lands. In Witness whereof we have hereunto put our Hands and Seals the Day and Year aforesaid

The Mark of MATTANO ~~~~~¹
 The Mark of SEUAKHENOS N
 The Mark of WARINANCO ~~~~~

Sign'd, Seal'd and deliver'd in the Presence of us
 CHARLES HORSLEY
 The mark of RANDLE HOWETT
 R

*Confirmation of the Purchase of the Elizabethtown Tract
 from the Indians.*

[From "Grants and Concessions," p. 671.]

Governor Nicolls' grant for land in New Jersey²

TO all to whom these Presents shall come, I Richard Nicolls, Esq: Governor under his Royal Highness the

¹ Although signed by three Indians, only one of the names corresponds with those given as those of the grantors in the body of the deed, and he, *Mattano*, had already, in 1651, parted with his interest in the lands to Augustine Herman. See "East Jersey Under the Proprietary Governments," 2d Edit., p. 21. Ed.

² This grant occasioned for many years great disorder in the province. Having been given by Governor Nicolls, after the Duke of York had granted New Jersey to Lords Berkeley and Carteret, the rights of Baker and his associates were contested by those claiming through them, and the litigation that ensued was not ended when the war of the Revolution commenced, and put an end to all such controversies. The "Elizabethtown Bill in Chancery," printed in 1747, and the "Answer" thereto, printed in 1759, throw all needful light on the subject. Ed.

Duke of York, of all his Territories in *America* send greeting,

Whereas there is a parcel of Land within my Government which hath been purchased of *Mattano, Manamowaone* and *Cowescomon*, of Staten Island, by *John Baily, Daniel Denton*, and *Luke Watson*, of *Jamaica*, in *Long-Island*, for a consideration expressed in a certain Deed of Indenture, bearing date the Twenty eighth day of *October* last, wherein the said Parcel of Land was made over unto the said *John Baily, Daniel Denton* and *Luke Watson*, and their Associates, their and every of their Heirs, Executors, Administrators or Assigns, for ever, as in the said Deed, relation being thereunto had, more fully and at large doth and may appear: Now to the End the said Lands may the sooner be planted, inhabitted and manured, I have thought fit to give, confirm and grant, and by these Presents do give, confirm and grant unto Captain *John Baker*, of *New York*, *John Ogden*, of *North-Hampton*, *John Baily*, and *Luke Watson*, of *Jamaica* on *Long-Island*, and their Associates, their Heirs, Executors, Administrators and Assigns, the said Parcel of Land Bounded on the South, by a River commonly called the Rariton River, on the East by the Sea which Parts Staten-Island and the Main, to run Northward up after *Cull-Bay*, till you come to the first River which sets Westwards out of the said Bay, and to run West into the Country twice the length of the Breadth thereof from the North to the South of the aforementioned Bounds, together with all the Lands, Meadows, Pastures, Woods, Waters, Fields, Fences, Fishings, Fowlings, with all and singular the Appurtenances, with all Gains, Profits, and Advantages, arising or that shall arise upon the said Lands and Premises. TO HAVE AND TO HOLD the said Lands and Appurtenances to the said Capt. *John Baker, John Ogden, John Baily*, and *Luke Watson*, and their Associates, their Heirs, Executors, Administrators and Assigns for ever, rendering and paying Yearly unto his

Royal Highness the Duke of *York*, or his Assigns, a certain Rent according to the Customary rate of the Country for new Plantations, and doing and performing such Acts and Things as shall be appointed by his said Royal Highness, or his Deputy. And the said Capt. *John Baker*, *John Ogden*, *John Baily*, and *Luke Watson*, and their Associates, their Heirs, Executors, Administrators and Assigns, are to take Care and Charge of the said Lands and Premises, that People be carried there with all convenient speed, for the settling of Plantations thereon, and that none have Liberty so to do, without the Consent and Approbation of the said Capt. *John Baker*, *John Ogden*, *John Baily* and *Luke Watson*, and their Associates except they shall neglect their Planting thereof, according to the true intent and meaning of these Presents. And I do likewise promise and grant that the Persons so Inhabiting and Planting the Lands and Premises aforesaid, shall have equal Freedom, Immunities and Privileges with any of his Majesty's Subjects in any of his Colonies of *America*. And the said Capt. *John Baker*, *John Ogden*, *John Baily*, and *Luke Watson*, and their Associates have liberty to Purchase of the Natives (or others, who have the Propriety thereof) as far as *Snake Hill*, to the End and Purposes aforesaid. IN WITNESS whereof I have hereunto set my Hand and Seal this first Day of *December*, in the Sixteenth Year of the Reign of our Sovereign Lord *Charles* Second, by the Grace of God King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith &c. At Fort *James* in *New York*, at the Island of *Manhatans* [A certificate follows from Governor Robert Hunter, of New York, under the seal of that Province, of the correctness of the copy, dated 4th November, 1715.]

Commission of Philip Carteret¹ as Governor of New Jersey.

[From Certified Copy among Whitehead MSS.]

John Lord Berkely Baron of Stratton and Sir George Carteret Knight and Baronet Vice Chamberlain of his Majesty's Household, the true and absolute Lords Proprietors of all the Province of New-Cæsarea or New-Jersey. To our trusty and well beloved Philip Carteret send Greeting.

WE do hereby constitute and appoint you (during our Will and Pleasure) Governor of all that Tract of Land adjacent to New England and lying and being to the Westward of Long-Island and Manhitans Island, and bounded by the East, part by the main Sea and part by Hudson's River, and having upon the West Delaware Bay and to the Northward as far as the Northermost Branch of the said Bay or River of Delaware, which is in forty one and forty degrees of Latitude, crossing over thence in a Strait Line to Hudsons River in forty one degrees of Latitude, now commonly called by the Names of New-Cæsarea or New-Jersey, and of all the Islands Inlets Rivers and Seas within the said Bounds of our said Province, with Power to nominate and take unto you twelve able Men at most, and Six at least, to be of your Council and Assistance, or any even Number between Six and twelve, unless we have before made choice of, or shall choose all or any of them. And we do further constitute and appoint you to be our Governor (during our Will and Pleasure) of all the Province and Tract of Land aforesaid, and of all our Forces raised and to be raised within our said Province and Tract of Land for the Security of the same, and to the Parts

¹ Philip Carteret was a distant relative of Sir George. For a notice of him see "East Jersey Under the Proprietary Governments," 2d Edit., pp. 106-113. Ed.

adjacent over which, you are to place and Commissionate Officers, and to cause them to be duly Exercised in Arms, and to do all and every other thing and things which unto the Share and Office of Governor doth belong or hath accustomed to belong, as fully and freely as any Governor hath ever had; commanding all Inferior Officers and Soldiers of our said Armies you to obey as their Governor according to this our Commission and the Powers hereby given unto you, and according to the Laws and Discipline of War. And you yourself also are to observe and follow such Orders and Directions as from Time to Time you shall receive from us, and in all things to govern yourself as to your Duty and Place doth appertain. GIVEN under our Great Seal of our said Province; the tenth day of February, one Thousand Six hundred and Sixty four.¹

Ex'd J. P^r.

Instructions to Governor Carteret from the Lords Proprietors.

[From "Grants and Concessions," p. 23.]

JOHN LORD BERKLEY, *Baron of Stratton*, and Sir GEORGE CARTERET, *Knight and Baronet, Vice Chamberlain of his Majesty's Household, the true and absolute LORDS PROPRIETORS of New Cæsarea or New Jersey.*

To Our Trusty and well beloved PHILIP CARTERET, Esq: Governor of all that Tract of Land adjacent to *New-England*, and lying and being to the Westward of *Long-Island* and *Manhitans* Island and bounded on the Main Sea, and Part by *Hudson's* River, and having upon the West *Delaware* Bay or River, and extending Southward

to the Main Ocean as far as *Cape-May*, at the Mouth of *Delaware* Bay; and to the Northward as far as the Northermost Branch of the said Bay or River of *Delaware* which is in Forty one Degrees and Forty Minutes of Lattitude; and crosseth over thence in a strait Line to *Hudson's* River in Forty one Degrees of Lattitude, now commonly known by the Name or Names of *New-Cæsarea* or *New-Jersey*: and of all the Islands, Inlets, Rivers and Seas, within the said Bounds of our said Province, and to our Trusty and well beloved Councillors and Assistants to our said Governor, GREETING.

BE it known to all Men that We the said LORDS PROPRIETORS of the said Tract of Land or Province aforesaid, for divers good causes and considerations, but more especially out of the Trust and Confidence we reposed in you our said Governor and Counsellors, for the faithful Management of the Powers and Authorities by us to you given, to the best avail and improvement of our Interest and Dominion of the said Province and Tract of Land, and for the best avail and improvement of the Interest, Liberty, Property and Defence of all such as shall Plant and Inhabit there, have given, granted and by these Presents do give and grant (during our Will and Pleasure) unto our Governor, by and with advice and consent of our said Council, or any three or more of the Six, or four or more of a greater number, full and absolute Power and Authority for us, and in our Names, to let, sell, convey and assure such Land in our said Province, to such Person and Persons, and for such Estate and Estates, and with such Provisions, Conditions and Limitations as we by our Concessions and Agreement, under our Hand and Seal bearing Date with these Presents, to and with the Adventurers are obliged to grant, and as you shall be directed by such other Instructions and Rules as from Time [to Time] you shall receive from us, and not otherwise; hereby ratifying and confirming whatsoever you shall lawfully do pursuant to our said Concessions, and to such Instructions, Rules and Directions as

aforesaid; and also to make, do, perform and execute all and every Act and Acts, Thing and Things, Powers and Authorities whatsoever, which we ourselves, may, can, ought or could do in, for, relating or concerning the Government both Civil and Military of the said Province and Tract of Land, by Virtue of the Letters Patents of his Most Excellent Majesty CHARLES *the Second*, by the Grace of God KING of *England, Scotland, France and Ireland*, bearing Date at *Westminster*¹ last past, made of the Premises amongst other things, to his Royal Highness JAMES Duke of *York*, and his Heirs, and since by Indenture dated the *Twenty fourth* day of *June* last past, for the Considerations therein mentioned, by his said Royal Highness, Granted unto us, our Heirs and Assigns, to be exercised; nevertheless according to such Instructions, and with such Limitations, Restrictions, Conditions and Provisions, as in these Presents are hereafter contain'd; hereby ratifying, allowing and confirming all and every such Act and Acts, Thing and Things, which our said Governor and Councillors in our Names shall do in the Premises, pursuant to the Authority hereby committed: PROVIDED, and it is hereby declared, that this present Deed, or any thing therein contained, doth not extend, or shall be deem'd or taken to extend, to give up to our said Governor or Councillors, or either or any of them, any Power or Authority to make any manner of Grant, Conveyance or Demise, or other like Disposition of any Lands lying within, or being part of the said Province, but according to our said Concessions and Instructions; reserving for every Acre, English Measure, which by Virtue of this Authority, you shall Grant to any Person or Persons, One Half-penny lawful Money of *England*, Yearly Rent; to be paid to us our Heirs and Assigns for ever, on every *Five* and *Twentieth* Day of *March* according to the English Account: the first Payment thereof to begin on the *Twenty fifth* day of

¹ Date omitted in the printed copy. ED.

March which shall be in the Year of our Lord, according to the English Account, One thousand Six Hundred and Seventy. PROVIDED ALSO, that no Laws nor Order made or to be made by Virtue of this our Authority, shall be in Force as a Law for any longer Time than one Year and a half; within one Year of which Time, they shall be transmitted and presented to us for our Assent, which being given, they shall be in continual Force till expired by their own Limitation, or by Act Repealed, to be confirm'd as aforesaid. PROVIDED ALSO, That all the executive Part of all the said Powers hereby made and given, shall be made and exercised by our said Governor, to and with the advice of the Major Part of our Council, or the Major Part of them resident in our said Province, &c. and as in their Discretions to them shall seem most fit to serve and supply our said Province, of such Person respectively during their absence from our said Province and Tract of Land aforesaid; giving and granting unto him or them so chosen, during the absence of our said Governor and Councillors, as full, large and ample powers, as by these Presents to our said Governor and Councillors we have given; any Thing in these Presents in any ways notwithstanding. And also in case of Death or removal of any Member of our said Council, from Time to Time, to note, nominate and appoint fit and able Persons in their stead or place respectively: which Person so nominated and chosen shall exercise all Powers to the said Offices respectively belonging, till our Pleasure be signified to the Contrary. And lastly, if our Governor and Councillors shall happen to find any Natives in our said Province and Tract of Land aforesaid, that then you treat them with all Humanity and Kindness, and not in any wise greive or oppress them, but endeavour by a Christian carriage to manifest Piety, Justice and Charity, and in your Conversation with them, the Manifestation whereof will prove beneficial to the Planters, and likewise Advantageous to the Propagation of the Gospel. PROVIDED ALSO, that it shall be lawful for the Representatives

of the Freeholders to make any Address to the Lords touching the Governor and Counc'l, or any of them, or whatsoever or for any Thing they shall desire, without the Consent of the Governor and Council. GIVEN under the Seal of our said Province the *tenth* Day of *February* in the Year of our Lord one Thousand Six Hundred Sixty and four [1664-5.]

JOHN BERKLEY,¹

G. CARTERET.²

¹ SIR JOHN BERKLEY, youngest son of Sir Maurice Berkeley, was born in 1607. He commanded the army against the Scots in 1638, and was knighted at Berwick in that year. He bore a conspicuous part in the civil wars that followed, supporting the royal cause; became Governor of Exeter, and General of the King's forces in Devon. He participated in the exile of the royal family, in 1652, and was placed at the head of the Duke of York's establishment, having the management of all the Duke's receipts and expenditures. In 1658 he was raised to the Peerage, as Baron Berkeley of Statton, in the county of Somerset. On the restoration he became one of the Privy Council, and towards the close of 1669, Lord Lieutenant of Ireland, and administered the government for two years. In 1675 he was appointed Ambassador Extraordinary to Versailles, and died August 28th, 1678. Although holding so many distinguished offices some authorities assert that, at one time, he was "under a cloud," in consequence of his being detected in selling of offices, and other corrupt practices. Pepys speaks of him as being esteemed "a fortunate, though a passionate; and but weak man as to policy," and "the most hot, fiery man in discourse, without any cause," he ever saw. The intimate relations existing between Berkeley and King Charles and the Duke of York, as shown in Pepys' illustrative diary, fully account for the granting to him an interest in New Jersey, as well as in Carolina, which he had previously received.—"East Jersey Under the Proprietary Governments," p. 103; "N. Y. Colonial Documents," Vol. II., p. 599. Ed.

² SIR GEORGE CARTERET was born on the island of Jersey in 1599. Entering the navy at an early age, he attained a high reputation as a naval officer, and in 1626 was appointed by Charles I. Joint Governor of the island of Jersey. He was much esteemed by all parties. In 1640 he was appointed Comptroller of the Navy, and in May, 1645, was created a Baronet. On the commencement of the civil war he retired from the navy, and withdrew with his family to Jersey, but subsequently returned to aid the projects of the royalists. He afterwards, on the ruin of the royal cause, afforded an asylum to the Prince of Wales and other refugees of distinction within his government of Jersey, and defended the island against the Parliamentarians, Elizabeth Castle being the last fortress that lowered the royal banner. At the restoration, having shared his Royal Master's banishment, Sir George formed one of the immediate train of the restored monarch on his triumphant entry into London. The next day he was sworn of the Privy Council, appointed Vice Chamberlain, and constituted Treasurer of the Navy. In 1669 he was expelled from the House of Commons, to which he had been elected, to represent Portsmouth, for misconduct as Vice Chamberlain, being accused of embezzlement. (See "Andrew Marvell's Letters," pp. 125, 126.) In 1673 he was appointed one of the Lords of the Admiralty, and continued in the public service until his death—January 14th, 1679. The fidelity with which Carteret, like Berkeley, had clung to the royal cause, gave him also great influence at court. He had, at an early date, taken a warm interest in the colonization of America, and became, with Berkeley, one of the proprietors of Carolina, prior to their becoming jointly interested in New Jersey.—"East Jersey Under the Proprietary Governments," p. 104; "New York Colonial Documents," Vol. II., p. 410.

Commission of Robert Vauquillin¹ to be Surveyor of New Jersey.

[From the Original in the Library of the New Jersey Historical Society.]

John Lord Berkeley Baron of Stratton, and Sr George Carteret Knight & Barr^{tt} Vice-Chamberlaine of his Ma^{ties} household, the true & absolute Lords proprietors of all y^e province of *New Cesarea* or *New Jersey*.

To our trusted and welbeloved Robert Vauquillin Gent. Greeting &c.

We being well assured of your wisdome prudence and integritie have thought fitt, and doe by these presents noⁱate constitute and appoint you our Surveyor generall of our said province of *New Cesarea* or *New Jersey* by yo^r selfe or such as you shall depute & appoint to lay out bound & survey all allotments of land generall or particular, publique or private, whether relating to vs particularly, or To other persons by grannt from us, according to such warrante & directions as you shall from time to time receive from our Governo^r and counsell of our said Province or the Major part of them, As alsoe true certificates make of the scitua^tions bounde quantities and lines of all lande soe layd out ment^oning the persons for whom, and the order you received for your soe doing: Which sayd Certificates you shall direct to our Secretary and Register of

¹ In early records the name is usually given as "Vanquellin." His signature, however, shows that Vauquillin is correct. See "East Jersey Under the Proprietary Governments," 2d Edit., pp. 59-78—notes. Ed.

the said Province for the time being, that hee may enter and file the same. **And** these and all other act & acts thing & things w^{ch} doe, or shall belong, or appertaine to the office of our Surveyor generall of our said province, you are faithfully to doe and performe According to such orders and instruce'ons as you shall receive from us, or our Governor, or o^r governo^r and Councell or the major part of them to the best of your Judgem^t & skill; And for yo^r doing y^e same or any of them yo^u shall receive such salleries fees and perquisite, as by us and our generall Assembly of the sayd Province shalbe appointed, and none other: **Given** vnder our seale of our said Province y^e Tenth day of february in the yeare of our lord one thousand six hundred sixtie and foure. ¹

Job Berkeley *Ch. W. I. G. R. A.*



The Concessions and Agreements of the Proprietors of East Jersey.

[From a contemporaneous parchment copy (1) brought to West Jersey by John Fenwick, in the Library of the New Jersey Historical Society.]

THE CONCESSIONS and Agreement of the Lords Proprietors of the *Province of New Cesarea* or *New Jersey* to and with all and every the *Adventurers* and all such as shall settle or plant there.

Imprimis wee doe consent and agree That the Governor of the said Province hath Power by the advice of his Councill to Depute one in his place and Authority in case of death or removall, To continue untill our further order unless wee have Com'issionated one before.

Item that hee hath (likewise) power to make choice of and to take to him six Councillors at least, or twelve at most, or any even number between six and twelve with whose advice and consent, or with at least three of the six, or foure of a greater number (all being sum'oned) hee is to governe according to the limitac'ons and instructions following during our pleasure.

Item that a Cheife Secretary or Register which wee have chosen or shall choose (wee failing that hee shall chuse) shall keep exact entries in faire bookes of all publique affaires, And to avoid deceipts and Law Suites shall record and enter All graunts of Land from the Lords to the Planters, and all Conveyances of Land house or houses from man to man As alsoe all Leases for Land house or houses made or to be made by the Landlord to any Tenant for more than one yeare, Which Conveyance or Lease shall be first acknowledged by the Grantor or Lessor, or provéd

1 The original copy was destroyed by fire in April, 1686. See "Proceedings N. J. Hist. Soc.," Vol. III., p. 165. Ed.

by the Oath of two witnesses to the Lease or Conveyance before the Governor or some cheife Judge of a Court for the time being, who shall under his hand upon the back-side of the said Deed or Lease Attest the acknowledgment or prooffe as aforesaid which shalbe a Warrant for the Register to record the same, which Conveyance or Lease soe recorded shalbe good and effectual in Law notwithstanding any other Conveyance Deed or Lease for the said Land house or houses or for any part thereof, although dated before the Conveyance Deed or Deeds or Lease soe Recorded as aforesaid. And the said Register shall doe all other thing or things that wee by our instructe'ons shall direct, and the Governor Councill and assembly shall ordeine for the good and welfare of the said Province.

Item That the Surveyor Generall that wee have chosen or shall choose (wee failing that the Governor shall chose) shall have power by himselfe or Deputy to Survey lay out and bound all such Lands as shall be graunted from the Lords to the Planters, and all other Land within the said Province which may concerne particular men as hee shalbe desired to doe, And a perticular thereof Certifie to the Register to be recorded as aforesaid. Provided that if the said Register and Surveyor or either of them shall misbehave themselves as that the Governor and Councill or Deputie Governor and Councill or the major part of them shall find it reasonable to suspend their Actings in their respective employments it shall be lawfull for them soe to doe, untill further order from us.

Item That the Governor Councillors Assembly men Secretary Surveyor and all other Officers of Trust shall sweare or subscribe (in a book to bee provided for that purpose) That they will beare true Allegiance to the King of England his heires and successors and that they will be faithfull to the interest of the Lords Propriaters of the said Province and their heires executors and assignes And endeavor the peace and welfare of the said Province And that they will truely and faithfully discharge their respec-

tive [trusts in their respective] Offices, and doe equall Justice to all men according to their best skill and Judgment without corrupcion favour or affeccion And the names of all that have sworne or subscribed to be entred in a Booke And whosoever shall subscribe and not sweare, and shall violate his promise in that subscribeon shall be liable to the same punishment that the persons are or may bee that have sworne and broken their Oathes.

Item That all persons that are or shall become subjects to the King of England and sweare or subscribe Allegiance to the King and faithfulness to the Lords shalbe admitted to Plant and become ffreeman of the said Province and enjoy the ffreedomes and Im'unities hereafter expressed untill some stopp or contradiction bee made by us the Lords or else the Governor Councell and Assemblie, which shalbe in force untill the Lords see cause to the contrary, Provided that such stopp shall not any way prejudice the right or continuance of any person that hath been received before such stopp or order come from the Lords or generall Assemblie.

Item That noe person qualified as aforesaid within the said Province at any time shalbe any waies molested punished disquieted or called in Question for any difference in opinion or practice in matters of Religious concernements, who doe not actually disturbe the civill peace of the said Province, but that all and every such person and persons may from time to time and at all times truly and fully have and enjoy his and their Judgments and Conciences in matters of Religion throughout all the said Province: They behaveing themselves peaceably and quietly and not using this liberty to Licentiousnes, nor to the civill injury or outward disturbance of others, any Law Statute or clause conteyned or to be conteined usage or custome of this Realme of England to the contrary thereof in any wise notwithstanding.

Item That no pretence may be taken by us our heires or assignes for or by reason of our right of Patronage and

power of Advowzen graunted by his Ma^{ties} Letters Patents unto his Royall Highnes James Duke of Yorke, and by his said Royall Highnes unto us, thereby to infringe the generall clause of Libertie of Conscience aforement'oned **WEE** doe hereby graunt unto the Generall assembly of the said Province power by Act to Constitute and appoint such and soe many Ministers or Preachers as they shall think fitt, and to establish their maintenance, Giving liberty besides to any person or persons to keep and maintaine what Preachers or Ministers they please.

Item That the inhabitants being ffreemen or cheife Agents to others of the Province aforesaid doe as soone as this our Com'ission shall arrive by Virtue of a writt in our names by the Governor to be for the present (untill our Seale comes) sealed and signed make choice of Twelve Députies or Representatives from amongst themselves who being chosen are to joine with the said Governor and Councell for the makeing of such Lawes Ordinances and Constitutions as shalbe necessary for the present good and welfare of the said Province, But so soone as Parishes Divisions Tribes or other distinctions aré made That then the Inhabitants or ffreéholders of the severall and respective Parishes Tribes Devisions and distinctions aforesaid doe (by our writts under our seale which wee engage shall be in due time issued) Annually meet on the first day of January and choose ffreéholders for each respective division Tribe or Parish to be the Deputies or Representatives of the same Which body of representatives or the major part of them shall with the Governor and Councell aforesaid bee the generall Assembly of the said Province, the Governor or his Deputy being present unless they shall wilfullee refuse, in which case they may appoint themselves a President dureing the absence of the Governor or his Deputy Governor.

WHICH Assemblies are to have power

1 To appoint their own times of meeting, and to ad-jorne their Sessions from time to time, to such times and

places as they shall think convenient, As alsoe to ascertain the number of their *Quorum* Provided that such numbers be not lesse than the third part of the whole in whom (or more) shall be the full power of the generall Assembly viz^t.

2 To enact and make all such Lawes Acts and Constitutions as shalbe necessarie for the well Government of the said Province, and them to repeale: Provided that the same be consonant to reason, and, as neere as may be conveniently agreeable to the Lawes and Customes of his Ma^{ties} Kingdom of England Provided also that they be not against the interest of us the Lords Propriators our heires or assignes nor any of those our Concessions, especiallie that they be not repugnant to the Article for Libertie of Conscience abovement'oned Which Lawes &c^a. soe made shall receive Publicacon from the Governor and Councell (but as the Lawes of us and our generall Assembly) and be in force for the space of one yeare and noe more unles contradicted by the Lords Propriators within which time they are to bee presented to us our heires &c. for our Raticacon, and being confirmed by us they shall be in continuall force till expired by their own limitation or by Act of Repeale in like manner to be passed as aforesaid and confirmed.

3 By Act as aforesaid to constitute all Courts together with the limitts powers and Jurisdictions of the same, as alsoe the severall Offices and number of Officers belonging to each Court, with their respective Sallaries ffees and perquisites, their appellac'ons and dignities, with the penalties that shall be due to them for the breach of their severall and respective duties and Trusts.

4 By Act as aforesaid to lay equall taxes and assessments equally to raise moneys or goods upon all Lands (excepting the Lands of us the Lords Propriators before setling) or persons within the severall Precincts Hundreds Parishes, Manors or whatsoever other Divisions shall hereafter be made and established in the said Province as oft

as necessity shall require and in such manner as to them shall seem most equall and easie for the said inhabitants in order to the better supporting of the publique charge of the said Government, and for the mutuall safetie defence and securitie of the said Province.

5 By Act as aforesaid to erect within the said Province such and soe many Manors with their necessarie Courts Jurisdictions freedoms and Priviledges as to them shall seem meet and convenient, as alsoe to devide the said Province into Hundreds Tribes Parishes or such other Divisions or distinctions as they shall think fitt, and the said Divisions to distinguish by what names wee shall order or direct, And in default thereof by such names as they please, As alsoe within the said Province to create and appoint such and soe many Ports Harbors Creekes and other places for the convenient lading and unlading of goods and Merchandizes out of Shippes Boates and other vessells as shalbe expedient, with such Jurisdictions priviledges and franchises to such Ports &c belonging as they shall judge most conducing to the generall good of the said Plantac'ons or Province.

6 By their Enacting to be confirmed as aforesaid to erect raise and build within the said Province or any part thereof such and soe many fforts ffortresses Castles Citties, Corporat'ons Burroughs, Towns, Villages, and other places of Strength and defence, and them or any of them to incorporate with such Charters and Priviledges as to them shall seem good and the Grant made unto us will permitt, and the same or any of them to ffortifie and furnish with such Provisions and proporc'ons of Ordinance powder shott Armour and all other weapons Amunition and Habiliments of Warr both offensive and deffensive as shall be thought necessary and convenient for the safety and welfare of the said Province; But they may not at any time demolish dismantle or disfurnish the same without the consent of the Governor and the major part of the Councill of the said Province.

7 By Act as aforesaid to constitute Trained bands and companies with the number of Soldiers for the safety strength and defense of the said Province; and of the fforts Castles Citties &c. to suppress all Mutinies and Rebellions, To make Warr Offensive and Defensive with all Indians Strangers and ffoureigners, as they shall see cause; And to pursue an Enemye by Sea as well as by Land if need be out of the limitts and Jurisdictions of the said Province, with the perticuler consent of the Governor or under his conduct or of our Com'ander in chiefe, or whom he shall appoint.

8 By Act as aforesaid to give unto all Strangers as to them shall seem meet A naturalization, and all such freedoms and priviledges within the said Province as to his Ma^{ties} subjects doe of right belong they Swearing or subscribeing as aforesaid Which said Strangers soe naturalized and priviledged shall be in all respects accompted in the said Province as the Kings naturall subjects

9 By Act as aforesaid to prescribe the quantities of Land which shall be from time to time allotted to every head, free or Servant, Male or ffemale, and to make and ordeine rules for the casting of lotts for Land and the laying out of the same, Provided they doe not in their pre-scrip'ons exceed the severall proporc'ons which are hereby graunted by us to all persons arriving in the said Province or Adventuring thither.

10 The generally Assembly by Act as aforesaid shall make provision for the maintenance and support of the Governor, and for the defrayeing all necessarie charges of the Government As alsoe that the Constables of the said Province shall Collect the Lords Rent, and shall pay the same to, the Receiver that the Lords shall appoint to receive the same, unles the said generall assembly shall prescribe some other way whereby the Lords may have their Rents duely collected without charge or trouble to them.

11 *Lastlie* to enact constitute and ordeine all such other Lawes Acts and Constituc'ons as shall or may be necessary

for the good property and settlement of the said Province (excepting what by these presents is excepted And conforming to the limitac'ons herein exprest.

The Governor with his Councill before exprest is,

i To see that all Courts established by the Lawes of the Generall Assembly and all Ministers and Officers civill and military doe and execute their severall Duties and Offices respectively according to the Lawes in force, and to punish them for Swerving from the Lawes or Acting contrary to their Trust, as the nature of their offence shall require.

ij According to the Constituc'ons of the generall Assembly to nominate and Com'issionate the severall Judges members and officers of Courts, whether Majis-traticall or Ministeriall and all other civill Officers Coroners [&c.] and their Com'issions powers and authorities to revoke at pleasure Provided that they appoint none but such as are ffreeholders in the Province aforesaid unles the generall Assembly consent.

ijj According to the Constituc'ons of the generall Assembly to appoint Courts and Officers in Cases criminall, and to impower them to inflict penalties upon offenders against any of the Lawes in force in the said Province, as the said Lawes shall ordeine, whither by ffine imprisonment, banishment corporall punishment, or to the taking away of member or of life it selfe if there be cause for it.

iiij To place Officers and Soldiers for the safetie, strength, and defence of the fforts Castles Cities &c. according to the number appointed by the generall Assembly to nominate place and com'issionate all Military Officers under the dignitie of the said Governor who is Com'issionated by us over the severall Framed bands and Companies, Constituted by the generall Assembly as Colonels Captains &c. and their Com'issions to revoke at pleasure, the Governor with the advice of his Councill, unles some present danger will not permitt him to advise, to muster and traine all the forces within the said Province, to prosecute War

pursue an Enemye, suppress all Rebellions and Mutinies as well by Sea as by Land, and to exercise the whole Militia as fully as ever by the Graunt from his Royall Highnes can impower him or them to doe, Provided that they appoint noe military forces but what are ffreeholders in the said Province, unles the Generally Assembly shall consent.

v Where they see cause after Condemnation to Reprive untill the Case be presented, with a coppie of the whole Tryall and proceedings and proofes to the Lords who will accordingly either pardon or com'and execucon of the sentence on the Offender who is in the meane time to be kept in safe custodie till the pleasure of the Lords be knowne.

vj In case of death or other removall of any of the representatives within the yeare to issue Sum'ons by Writt to the respective Division or Divisions to which he or they were chosen com'anding the ffreeholders of the same to choose others in their stead.

vij To make Warrants and to Seale grants of Lands according to these our Concessions and the prescrip'ons by the advice of the generall Assembly in such forme as shall be at large sett down in our Instrucc'ons to the Governor in his Com'ission, and which are hereafter exprest.

vij To Act and doe all other thing or things that may conduce to the safetie peace and well Government of the said Province, as they shall see fitt, soe as they bee not contrary to the Lawes of the said Province

FOR the better security of the Propriators and all the Inhabitants

- 1 They are not to impose nor suffer to be imposed any Taxe Custome Subsidie Talladge, Assessment, or any other duty whatsoever upon any colour or pretence upon the said Province and inhabitants thereof other then what shall be imposed by the Authority and consent of the generall Assembly and then only in manner as aforesaid.

- 2 They are to take care that Land quietlie held planted and possessed seaven years after its being first duely Surveyed by the Surveyor Generall or his Order shall not be subject to any reveiw re-survey or alteration of bounds on what pretence soever by any of us or any officer or Minister under us
- 3 They are to take care that noe man if his Cattell Stray Range or Graze on any Ground within the said Province not actually appropriated or sett out to particular persons shall be lyable to pay any Trespasse for the same to us our heires &c: Provided that Custome of Com'ons be not thereby pretended to; nor any person hindred from taking up and appropriating any Lands soe grased upon, And that noe person doe purposely suffer his Cattle to graze on such Lands.

AND that the planting of the said Province may be the more speedily promoted.

i WEE doe hereby Graunt unto all persons who have alreadie Adventured to the Province of New Cesaria or new Jersey or shall transport themselves or Servants before the first day of January which shall be in the yeare of our Lord 1665.¹ These following proporc'ons viz^t. to every ffreeman that shall goe with the first Governor from the Port when he imbarques (or shall meet him at the Randevouze hee appoints) for the Settlement of a Plantac'on there; armed with a good Muskett boare twelve bulletts to the Pound, with Tenn pounds of powder and Twenty pound of Bulletts, with bandeleers and match convenient, and with six months provision for his own person arriving there 150 acres of Land English measure And for every able man Servant that he shall carry with him armed and provided as aforesaid and arriving there, the like quantity of 150 acres of land English measure, And whoever shall send Servants at that time shall for every able man Servant

¹ 1665-6. Ep.

hee or she soe sends armed and provided as aforesaid and arriving there the like quantity of 150 acres And for every weaker Servant or Slave male or female exceeding the age of ffourteen yeares which any one shall send or carry arriveing there 75 acres of Land And to every Christian Servant exceeding the age aforesaid after the expiracon of their time of service 75 acres of Land for their own use.

2 *Item* to every Master or Mistres that shall goe before the first day of January which shalbe in the yeare of our Lord 1665,¹ 120 acres of land and for every able man Servant that hee or she shall carry or send armed and provided as aforesaid and arriving within the time aforesaid the like quantity of 120 acres of land, and for every weaker Servant or Slave male or female exceeding the age of 14 yeares arriving there 60 acres of land, and to every Christian Servant to their owne use and behoofe 60 acres of land.

3 *Item* to every ffreeman and ffreewoman [who] shall arrive in the said Province armed and provided as aforesaid within the second year from the first day of January 1665² to the first of Jan'y 1666³ with an intenc'on to plant 90 acres of land English measure, and for every able man Servant that hee or she shall carry or send armed and provided as aforesaid 90 acres of land like measure.

4 *Item* for every weaker Servant or slave aged as aforesaid that shall be soe carried or sent thither within the second yeare as aforesaid 45 acres of land of like measure And to every Christian Servant that shall arrive the second yeare 45 acres of land of like measure after the expiracon of his or their time of Service for their own use and behoofe.

5 *Item* to every ffreeman and ffreewoman Armed and provided as aforesaid That shall goe and arrive with an intencon to plant within the third yeare from January 1666⁴ to January 1667⁵ 60 acres of land of like measure And for every able man Servant that he or they shall carry

1 1665-6.

2 1665-6.

3 1666-7.

4 1666-7.

5 1667-8. ED.

or send within the said time armed and provided as aforesaid the like quantitie of 60 acres of land, And for every weaker Servant or Slave aged as aforesaid that hee or they shall carry or send within the Third year 30 acres of land and to every Christian Servant soe carried or sent in the Third year 30 acres of land of like measure after the expiracon of his or their time of Service. All which Land and all other that shall be possessed in the said Province are to be held on the same termes and Condic'ons as is before menc'oned and as hereafter in the following Paragraphs is more at lar[g]e expressed.

Provided alwaies that the before menc'oned Land and all other whatsoever that shall be taken up and soe settled in the said Province shall afterward from time to time for the space of thirteen yeares from the date hereof be held upon the Condicons aforesaid continuing one able man Servant or two such weaker Servants as aforesaid on every 100 acres a Master or Mistres shall possesse; besides what was graunted for his or her own person; In failer of which upon notificac'on to the present occupant or his assignes there shall be three yeares given to such for their compleating the said number of persons, or for their Sale or other disposeure of such part of their Lands as are not soe peopled within which time of three yeares if any person holding any Lands shall faile by himselfe his Agents executors or Assignes or some other way to provide such number of persons, unles the generall Assembly shall without respect to poverty judge it was impossible for the party soe failing to keep or procure his or her number of Servants to be provided as aforesaid; In such case wee the Lords to have power of disposeing of soe much of such Lands as shall not be planted with its due number of persons as aforesaid to some other that will plant the same, *Provided* alwaies that noe person arriving into the said Province with purpose to settle (they being Subjects or naturalized as aforesaid) bee denied a Grant of such proporc'ons of Land as at the time of their arrivall there, are due to themselves or Servants

by Concession from us as aforesaid, but have full licence to take up and settle the same in such Order and manner as is granted or prescribed; All Lands (notwithstanding the powers in the Assembly aforesaid) shall be taken up by Warrant from the Governor, and confirmed by the Governor and Councill under a Seale to be provided for that purpose in such Order and method as shalbe set down in this declaracon and more at large in the instructions to the Governor and Councill

AND that the Lands may be the more regularie laid out and all persons the better ascertained of their Titles and possessions.

i *The Governor and Councill* (and Assembly if any be) are to take care and direct that all Lands be devided by Generall Lotts, none lesse than 2100 acres, nor more than 21000 Acres in each Lott, Excepting Citties Townes &c: and the near lotts of Townships, And that the same be devided into seaven parts one seaventh part by Lott to us our heires and assignes, the remainder to persons as they come to plant the same in such proporc'ons as is allowed.

ij *Item* that the Governor, or whom he shall depute in case of Death, or absence, if some one be not before Commissionated by us as aforesaid doe give to every person to whom Land is due, a Warrant Signed and sealed by himselfe, and the Major part of his Councill, and directed to the Surveyor Generall or his Deputie com'anding him to lay out Limitt and bound _____ acres of land (as his due proporc'on is) for such a person in such Allottment, according to which Warrant the Register having first Recorded the same, and attested the record upon the Warrant, The Surveyor Generall or his Deputy shall proceed and certifie to the cheife Secretary or Register the name of the person for whom he hath laid out land by Virtue of what Authority, the date of the Authoritie or Warrant, the number of acres, the bounds, and on what point of the Compass the severall limitts thereof lye, which Certificate

the Register is likewise to enter in a booke to be prepared for that purpose with an Alphabetical table referring to the booke, that soe the Certificate may bee the easier found, and then to file the Certificates and the same to keep safe-lye, The Certificate being entred a Warrant comprehending all the perticulers of the Land menc'oned in the Certificate aforesaid is to bee signed and sealed by him and his Councell or the major part of them as aforesaid (they haveing seen the entry) and directed to the Register or cheife Secretary for his preparing a Graunt of the Land to the partie for whom it is laid out, which graunt shall bee in the forme following viz^t.

THE LORDS PROPRIATORS of the Province of New Cesaria or New Jersey doe hereby Graunt unto A B of the in the Province aforesaid A plantation conteyning acres English measure bounding (as in the Certificates) *To hold* to him (or her) his (or her) heires and assignes for ever, *Yeilding* and paying yearly to the said Lord Propriators their heires or assignes every 25th day of March according to the English account, One halfe penny [or One penny¹] of lawfull money of England for every of the said acres. To be holden of the Manor of in free and comon Soccage; the first payment of which Rent to begin the 25th day of March which shall be in the yeare of our Lord according to the English account 1670. Given under the seale of the said Province the day of in the yeare of our Lord 16

ijj² To which Instrument the Governour or his deputy hath hereby full power to put the Seale of the said Province and to subscribe his name as alsoe the Councell or the major part of them are to subscribe their names, And then

¹ Not in the written copy, but in "Grants and Concessions," and in Section vi following.

² Part of Section ii. in Leaming & Spiere's "Grants and Concessions." Ed.

the Instrument or Grant is to be by the Register recorded in a booke of Records for that purpose, All which being done according to those instruct'ons Wee hereby declare that the same shall be effectuell in Law for the enjoyment of the said Plantation and all the benefitts and profitts of and in the same (except the halfe part of mines of Gold and Silver) paying the Rent as aforesaid, *Provided* that if any Plantacon soe graunted shall by the space of Three yeares be neglected to be planted with a sufficient number of Servants as is before menc'oned That then it shall be lawfull for us otherwise to dispose thereof in whole or in part, this Graunt notwithstanding.

iiij¹ *Item* wee doe alsoe graunt convenient propor-c'ons of Land for highwaies and for Streets not exceeding 100 foote in bredth in Citties Town's and Villages &c. for Churches fforts Wharfes Keyes Harbours and for publique houses, And to each Parish for the use of their Minister 200 acres in such places as the Generall Assembly shall appoint.

v¹ *Item* the Governor is to take notice that all such Lands laid out for the uses and purposes aforesaid in the next preceding Article shall be free and exempt from all Rents Taxes and other charges and duties whatsoever payable to us our heires or assignes

vj¹ *Item* that in layeing out Lands for Citties Townes Villages Burroughs or other Hamletts, the said lands be devided into seaven parts, one seaventh part whereof to be by Lott laid out for us and the rest devided to such as shalbe willing to build thereon, they paying after the rate of one halfe penny or one penny p' acre according to the value of the Lands yearely to us as for their other Land as aforesaid Which said Lands in Citties Townes &c. is to bee assured to each possessor by the same way and instrument as is before menc'oned.

¹ Sections Nos. iiij., v. and vj., in consequence of Section No. iii. being incorporated in No. ii., are numbered in Leaming & Spicer's "Grants and Concessions," Nos. 3, 4 and 5. Ed.

vij¹ *Item* that the Inhabitants of the said Province have free passage through or by any Seas bounds creeks rivers rivulets &c. in the said Province through or by which they must necessarilie passe to [or ?] come from the maine Ocean to any part of the Province aforesaid.

viiij Lastlie it shall be lawfull for the Representatives of the freeholders to make any Adresse to to the Lords touching the Governor and Councell or any of them for or concerning any Greivances whatsoever or for any other thing they shall desire, without the consent of the Governor and Councell or any of them. [² GIVEN Under our Seal of our said Province the Tenth day of *February* in the Year of our Lord One Thousand Six Hundred Sixty and Four.

JOHN BERKLEY
G. CARTERET.]

*Grant from Governor Nicolls for Land at "Sandy Point"
(Sandy Hook) and on Raritan Bay.*

[From "Grants and Concessions," p. 661.]

MONMOUTH PATENT.

TO ALL to whom these Presents shall come. I *Richard Nicolls*, Esq: Governor under his Royal Highness the Duke of *York*, of all his Territories in *America*, send Greeting. Whereas there is a certain Tract or Parcel of Land within this Government, lying and being near Sandy Point, upon the Main; which said parcel of Land hath

¹ Leaming & Spicer's edition has another section here, numbered vi., as follows: "ITEM. That all Rules relating to the building of each Street, or quantity of Ground to be allotted to each House within the said respective Cities, Boroughs and Towns, be wholly left by Act as aforesaid to the Wisdom and Discretion of the General Assembly." ED.

² The copy from which the foregoing was printed was without the closing paragraph and signatures, which are taken from the printed copy in the "Grants and Concessions," as published by Leaming & Spicer, which differs in orthography and other minor particulars. ED.

been with my Consent and Approbation bought by some of the Inhabitants of *Gravesend*, upon *Long Island*, of the *Sachems* (chief Proprietors thereof) who before me have acknowledged to have received Satisfaction for the same, to the end the said Land may be planted, manured, and inhabited, and for divers other good Causes and Considerations, I have thought fit to give, confirm and grant, and by these Presents do give, confirm and grant unto *William Goulding, Samuel Spicer, Richard Gibbons, Richard Stout, James Grover, John Bown, John Tilton, Nathaniel Silvester, William Reape, Walter Clark, Nicholas Davis, Obadiah Holmes*, Patentees, and their Associates, their Heirs, Successors, and Assigns, all that Tract and Part of the main Land, beginning at a certain Place commonly called or known by the Name of Sandy Point, and so running along the Bay West North West, till it comes to the Mouth of the Raritans River, from thence going along the said River to the Westernmost Part of the certain Marsh Land, which divides the River into two Parts, and from that Part to run in a direct South West Line into the Woods Twelve Miles, and then to turn away South East and by South, until it falls into the main Ocean; together with all Lands, Soils, Rivers, Creeks, Harbours, Mines, Minerals, (Royal Mines excepted) Quarries, Woods, Meadows, Pastures, Marshes, Waters, Lakes, Fishings, Hawkings, Huntings and Fowling, and all other Profits, Commodities, and Hereditaments to the said Lands and Premises belonging and appertaining, with their and every of their appurtenances and of every Part and Parcel thereof. TO HAVE AND TO HOLD, all and singular the said Lands, Hereditaments, and Premises with their and every of their Appurtenances hereby given and granted, or herein before mentioned to be given and granted to the only proper Use and Behooff of the said Patentees and their Associates, their Heirs, Successors, and Assigns forever, upon such Terms and Conditions as hereafter are expressed, that is to say, that the said Patentees, and their Associates, their Heirs or

Assigns shall within the space of three Years, beginning from the Day of the Date hereof, manure and plant the aforesaid Land and Premises, and settle there one Hundred Families at the least; in consideration whereof I do promise and grant that the said Patentees and their Associates, their Heirs, Successors, and Assigns, shall enjoy the said Land and Premises, with their Appurtenances, for the Term of seven Years next to come after the Date of these Presents, free from Payment of any Rents, Customs, Excise, Tax or Levy whatsoever: But after the Expiration of the said Term of Seven Years, the Persons who shall be in the Possession thereof, shall pay after the same Rate, which others within this his Royal Highnesses Territories shall be obliged unto. And the said Patentees and their Associates, their Heirs Successors and Assigns shall have free leave and liberty to erect and build their Towns and Villages in such Places, as they in their Discretions shall think most convenient, provided that they associate themselves, and that the Houses of their Towns and Villages, be not too far distant and scattering one from another; and also they make such Fortifications for their Defence against an Enemy as may seem needful. And I do likewise grant unto the said Patentees, and their Associates, their Heirs, Successors and Assigns, and unto any and all other Persons, who shall Plant and Inhabit in any of the Land aforesaid, that they shall have free Liberty of Conscience without any Molestation or Disturbance whatsoever in their way of Worship. And I do further grant unto the aforesaid Patentees, their Heirs, Successors, and Assigns, that they shall have Liberty to elect by the Vote of the Major Part of the Inhabitants, five or seven other Persons of the ablest and discretest of the said Inhabitants, or a greater Number of them (if the Patentees, their Heirs, Successors or Assigns shall see cause) to join with them, and they together, or the Major Part of them, shall have full Power and Authority to make such peculiar prudential Laws and Constitutions amongst the Inhabitants for the

better and more orderly governing of them, as to them shall seem meet; provided they be not repugnant to the publick Laws of the Government; and they shall also have Liberty to try all Causes and Actions of Debt and Trespass arising, amongst themselves, to the Value of *Ten Pounds*, without Appeal, but that they remit the hearing of all Criminal Matters to the Assizes of *New York*. And furthermore I do promise and grant unto the Patentees, and Associates aforementioned, their Heirs, Successors and Assigns, that they shall in all Things have equal privileges, Freedom and Immunities with any of his Majesty's Subjects within this Government, these Patentees and their Associates, their Heirs, Successors and Assigns rendering and paying such Duties and Acknowledgements as now are, or hereafter shall be constituted and established by the Laws of this Government, under the Obedience of his Royal Highness, his Heirs and Successors, provided they do no way infringe the Privileges above specified. Given under my Hand and Seal, at Fort *James* in *New-York* on *Manhatans-Island*, the 8th Day of *April* in the 17th Year of the Reign of our Sovereign Lord *Charles* the Second, by the Grace of God, of *England, Scotland, France* and *Ireland*, King, Defender of the Faith &c and in the Year of our LORD GOD, 1665

RICHARD NICOLLS

Colonel Nicolls, Governor of New York, to the Duke of York.

[From "New York Colonial Documents." Vol. III., p. 105. No date given.]

[*Fragment.*] I must now descend to the particular occasion of giving Your R H this trouble, wherein My L^d Berkely and S^r G. Carterett are concern'd, who, (I know also) will be so just to mee as to have mee excus'd for manifesting clearly my knowledge to Your R^l H^s. About

⋮

10 daies past Cap: Bollen shews mee a letter from my L^d Berkeley and S^r G. Carterett and therewith a grant from Your Rⁱ H^s to them for all the lands to the West of the Hudsons River as more fully may appeare in the said graunt, wherein is comprehended all the improveable part of Your Rⁱ H^s his Pattent and capable to receive twenty times more people than Long Island and all the remaining Tracts in Your Rⁱ H^s his patent in respect not onely to the quantity of the Land but to the sea Coast and Delaware River the fertility of the soyle the neighborhood to Hudsons River, and lastly the faire hopes of Rich mines, to the utter discouragement of any that shall desire to live under Your Rⁱ H^s his protection. In short, I hold myself oblig'd to give Your Rⁱ H^s this account upon certaine knowledge having exactly considered and preferred the advance of Your Rⁱ H^s his reputation and interest in these parts above all considerations or obligations whatsoever, and for my boldnesse I can at last but begg pardon. Neither can I suppose that My Lord Berkeley or Sir G. Carterett know how prejudiciall such a graunt would prove to Your Rⁱ H^s, but I must charge it upon Cap^t Scott who was borne to make mischief as farre as hee is credited or his parts serve him. This Scot (it seems) aim'd at the same patent which Your Rⁱ H^s hath, and hath since given words out that hee had injury done him by Your R. H^s, whereupon he contriv'd and betrayed my L^d Berkeley and Sir G. Carterett into a designe (contrary to their knowledge) of ruining all the hopes of increase in this Your R. H^s his territory, which hee hath fully compleated, unless Your Rⁱ H^s take farther order herein. Upon this tract of land several new purchases are made from the Indians since my coming, and three Townes beginning; I gave it the name of Albania, lying on the west of Hudsons River, and to long Island the name of Yorkesh^r as to this place, the name of N. Yorke to comprehend all the titles of Your Rⁱ H^s. Farre be it from mee to aggrivate any thing beyond the bounds of a faithfull servant, for when it may conduct

most to Your R. H. his service, I shall as freely surrender up all parts to Your R. H^e his pleasure as it becomes me to doe. I presume farther to propose a better and a more entire tract of Land worthy of great consideration to My L^d Berkeley and Sir G. Carterett, which is that part of Delaware River, which is redcut from the Dutch, if it is not already disposd, if soe than that my L^d B & S^r. G. C. may have a hundred thousand acres all along the sea coast, which is a most noble Tract of land, but it will cost them 20,000 lb before it will yield a penny, and their childrens children may reap the profit, great have beene the abuses of false reports, whereof I am now fully satisfied, and yet I hope to render a satisfactory account to Your R. H^e by word of mouth, when it shall please Your R. H^e to give mee Liberty, and that your affaires heere are upon such a foundation as will not be shaken by my absence, for the present so it is that every short removall of mine produces ill Effects, and in plaine words the Towne & Country cry out they will leave their dwellings if they can not stay mee from going to Boston, such are their apprehensions of a Dutch invasion.

Oaths of Allegiance, Taken 1665-1668.

[From "East Jersey Records," Vol. II., back of Liber 3.]

The Oath of Alegeance taken by the Inhabitants of Bergen and in the Jurisdiction thereof Beginning the 22 November 1665.

You doe Swear upon the holy Evangelist Contained in this book to bare true faith and Alegeance to our Sou^a Lord King Charles the Second and his Lawfull Successors

and to be true and Faithfull to the Lords Proprietors and their successors and the Government of this Province of New Jersey as Long as you shall Continue a Freeholder and an Inhabitant under the Same without any Equivocation or mentall Reservation whatsoever and so help you God

BERGEN

Nov 22, 1665.

Cap ^t Nicolas Verlett	Justice	Hendrick Tunnisen
Herman Smeeman	Magist ^r	Adolph Hardenbrook
Gasper Stenmetts	Ditto	Geart Garretsen
Elias Mitchelsen	Ditto	Benthal Lot
Ider Cornellissen	Ditto	Christian Pietersen
Hans Diedrect	Constable	Thomas Fredericksen
Tynemant Van Vleckt	Town Clarke	Cornellis Abrahams
Cap ^t Adrian Post	Ensign	Herman Edwards
Jacob Lieby		Herman Court
Arent Lawrence		Renier Van Giesen
Jan Scrutall		Jan Eversen Casabon
Engelbert Steenhuis		Joas Vand' Eynde
Pieter Jansen		Garrett Garretsen
Lawrence Andries		Claes Arentsen
Derrick Tunisen		Lawrence Arentsen
Douwé Harmensen		Isaac Van Uleck [Vleck.]
Paules Pietersen		

The Oath of Aleagance and Fidelity taken by the Inhabitants of Elizabeth Town under the Jurisdiction thereof beginning the 19th Feb. 1665

You doe Sweare upon the Holy Evangelist Contained in this Book to bare true faith and Allegeance to our Sovereine Lord King Charles the Second and his Lawfull Successors and to be true and faithfull to the Lords Proprietors their successors and the Governem^t of this Province of New Jarsey as Long as you shall Continue an Inhab-

itant vnder the Same without any Equivocation or Mentall
Reservation whatsoever and so help you God

ELIZABETHTOWN

Mr John Ogden Senr
Cap^t Tho^s Young
Michall Simpkin
Abraham Shotwell
Tho^s Skillman
John Woodroffe
Thomas Leonards
Jonas Wood
Jacob Claes
Rodrick Powell
Luke Watson
Stephen Crane
Joakim Andries
John Waynes Wayne
Jacob Moullains
William Johnson
John Gray
Nicholas Carter
Thomas Pope
W^m Cramer
Barnabas Wines^m
Tho^s Tomson
Nath^l Tuttle
Rob^t Mosse
Peter Mosse
W^m Trotter
Evan Salsbury

George Packe
Thomas More
Samuel Marsh
Mones Petersen
John Haynes
Caleb Carwithyer
W^m Olliver
Humphrey Spinage
Joseph Phrase
Zackery Graves
Peter Wooluerson
Charles Tucker
Benjⁿ Homan
Jeffry Joanes
Christopher Young
Jeremy Osbourne
John Dickinson Dead
Dennis White
John Ogden Junr
David Ogden
Robert Vauquellin
Benjamin Price
Ben: Coneklin
Robert Bond
Joseph Bond
Moses Thompson
Joseph Osburne

John Brackett Senr
William Meaker
Isaac Whitehead
Nathaniel Bunnell
Mathias Heathfield
Jonathan Ogden
Levand Headley
John Parker
Daniel Harris
Richard Paynter
Francis Barber

An^o 16⁶⁷/₆₈

The Oath of Alegeance and Fidelitie taken by the Inhabitants of Woodbridge Beginning the 27th day of February 16⁶⁷/₆₈

Mr John Pike
Tho^s Blumfield
Samuel More
John Smith
Hugh March
George March

Henry Lesenby
John Freeman
Henry Jaques Jr
John Bishop Junr
Nathan Webster
Elisha Elsley
Mamaduke Potter

The Oath of Aleagance taken by the Inhabitants of Nave-sink

Christopher Almy	Sam ^l Shaddock
Nicholas Browne	John Havens
Joseph Parker	John Hall
Francis Master	Abra ^m Brown
Joseph Huit	George Cheete
Tho ^s Wansick	George Hullett
Edmund Le Fetra	Jacob Cole
Robert West Jun ^r	Gabriel Kirk
Peter Parker	Tho ^s Wright
Edw ^d Patterson	Bash Shamungoe
Luis Mattulx	Rob ^t West Sen ^r
John Slocum	W ^m Neuman

The Names of the Inhabitants of Midleten upon Nave-sink that doe Subscribe to the Oath of Alegance to the King and Fidelitie to the Lords Proprietors—

And the Oath is this that you and any of you will bare &c
 John Bowne
 James Grover

The Names of those that have taken and Subscribed the Oath of Allegance to the King and Fidelitie to the Lords Proprietors by the Inhabitants and Freeholders upon the River Delawar

Peter Jegow
 Fabius Houthout

Letter from Governor Philip Carteret to those purposing a Settlement on the Delaware.

[From Manuscript Answer to a Bill in Chancery, in the possession of Charles H. Winfield, Esq., of Jersey City.

New York 27th February 1665.¹

Mr. W^m Jones and the rest of the undertakers of the Plantation upon Delaware bay or River—S:—

I have received yours of the 10th Instant by Captain Treat and Mr. Gregory for Answer to those alterations you have made in the Articles formerly Agreed upon; I cannot by any means consent unto, in respect that I have already sent them to the Lords Proprietors for their Assent, but if there be any words Omitted that are agreeing to the sense and right understanding of the said Articles, they shall be added when they are to be Engrossed and Confirmed farther by the Lords, for matter of appeals that must be both for the place, and to what Court the Governour Council and Generall Assembly shall appoint: for matters of theft, we must be Governed by such Laws as shall be made by the Generall Assembly, and it is like they may agree with those that you propose, but without doubt they will be very Cautious, in the taking away of any Man's Life, unless there be a Necessity for; for Commonage there is Provision made for that in the Lords Concessions as you have here Verbatim. Viz^t. they are to take care (meaning the Governour and his Council) that no Man if his Cattle stray, range or Graze. on any Ground within the said Province not actually Appropriate or set out to particular Persons shall be lyable to pay any Trespas for the same to us our heirs &c; Provided that Custom of Commons be not thereby pretended to, nor any Person hindered from takeing up and appropriateing any Lands so Grazed upon, and that no Person do purposely suffer his cattle to graze on such Lands, which Article I suppose will Answer your Expectation concerning that particular and therefore need not to be incerted in any Article; the 500 Acres Allotted to the Lords cannot be altered, it being a great deal less than they Intended by their Concessions; and besides it being Expressst in the Articles sent unto them, for the Council is not to be Chosen but by the Lords Proprietors and the Governour, but Questionless if the Generall Assembly doth recommend any able Person to me. I may accept of him. I referr you to Cap^t. Treat and Mr. Gregorys relation who have

read the same in the Concessions, if any Person or Persons shall come and Inhabit within the Limitts of your County after the three Years Expired may have and enjoy the same Priviledges as you do, excepting the proportion and the benefit they receive by it, of Lands by which they must make a New agreement, but if they take up Land in any other County—they must be conformable to such Laws and Customs as are there Established, Excepting in matters of Judgment and Opinion; in Religion; for the Purchasers being out of purse and the great Loss they have sustained I cannot help them therein; in my Opinion those that Settle with them in that Tract purchased by them, must pay toward it, according to proportion for the Land he takes up by Patent. I desire to have a Copy of the Indian Grant, that I may know the Names of the places purchased and the Bounds thereof. I cannot grant any Exemption from the payment of the $\frac{1}{2}$ penny p^r. Acre it being all the advantage that the Lords Proprietors reserve to themselves and besides it being so Inconsiderable; especially that every Man pays for no more Land than what he appropriates to himself by Patent, that I shall not desire any abatement of it for my own particular; for the words heirs and Successors in the Title of the Articles. shall be Incerted. as also in the first and Second Articles.—In the third Article not contrary or agreable to the Laws of England seems to me one and the same, & a thing Indifferent, as also the word alteration without Generall Consent of the Freemen shall be added in that and in the 10th Article.—In the Eighth Article as — Indifferent Men shall Judge; shall be allowed of in the 10th Article shall be added. and for the Transacting and ordering all Affairs, and also in the 14th Article or Freemen of the Plantation.—for the 15th Article if I see Occasion and reason for it I shall allow a larger Extent of Bounds, to a Town or City than is there Expressst.—I understand it, your Settlement to be upon Delaware bay and River—for the fines they are to be disposed of, by the Generall Assembly for the defraying of

the Publick Charge of the whole Province, and your County being a People of it, will have as great a share as any other according to their—disbursements for the Publick use, it is understood in the 7th Article that if a man Willfully Neglects the recording of their Grant within one years time and no otherwise—All which amendments I do not doubt but will be to your satisfaction, and an Encouragement to those that are to Join with you with my love to yourself and your associates I Rest—

[PHILIP CARTERET.]

Colonel Nicolls, Governor of New York, to Lord Arlington.

[From "New York Colonial Documents," Vol. III., p. 113.]

MY LORD

[*Extract.*]

. . . . My Lord it hath pleased His Royall Highnesse to grant by indenture to my Lord Berkeley and S^r Géorge Carteret (amongst other tracts of inevitable prejudice to this Colony) all the East side of Delaware River. My humble conception & certaine knowledge directs me to informe Yo^r Lo^p that by the unskillfullnesse of the informers the West side of Delaware River now seated with Sweeds, Finns, and Dutch, is so crush'd between the Lord Baltimore's Patent on y^e West side, and the Lord Berkeley's indenture on the East, that the present inhabitants cannot possibly subsist in so narrow a compasse. In discharge of my duty to His Ma^{tie} I cannot but informe Yo^r Lo^p that if some course bee not taken to rectify these great mistakes, New Yorke, Delaware and the Lord Berkeley's interest will destroy each other; but if His Ma^{tie} & His Royall Highnesse shall think fitt to graunt to the Lord Berkeley S^r George Carteret and their associates all that tract of land to the West side and East side of Delaware River which was recovered to His Ma^{ties} dominions from the hands of the Burgemasters of Amsterdam, which was

same Justice I do expect from your side and I hope in a little time to be able to supply your People with such goods as they shall have need of, and not to go to them places where they receive affronts; in a short time I shall take an Occasion to give you a Visit in the mean while I remain, &c.

Letter from Governor Philip Carteret to Captains Post and Cornelius, Interpreters.

[From a copy in the Possession of C. H. Winfield, Esq., of Jersey City.]

Eliz. Town the 26th May 1666—

CAPT. POST AND CORNELIUS—

This letter to accompany Cap:^s Treat and some of his Company they are going to Hackinsack to Oraton, therefore so as you have begunned ij pray you to Continue, and to go long with them to said Oraton and to Interpret my Letter that I have written to him likewise to help the said Cap:^s Treat for to bring the Bargain of the Land concerned to a period, the same being ended you shall bring Oraton and the Owner or at least the Owners of the said Land with you; and to View the said Land, and to put the Limitts—according the use and your best Judgment not more at the present I do remain.—

Proclamation of Governor Carteret, Calling the First Assembly.

[From "East Jersey Records," Liber 3, p. 13.]

WHEREAS by the Infinite Goodness, providence and blessing of Almighty God this P^rince of New Jersey is in a probable way of being populated there being a Considerable number of families already settled in severall parts of the

same and many more that in a short tyme are to Come & place themselves vnd^r this Gouernment, for the better propagating and Incouragement thereof I have thought fit with the advice of my Councell to appoint a Generall Assembly to begin the XXVth day of May next Ensuing the date hereof, for the making and Constituting such wholsome Lawes as shall be most needfull and Necessary for the good gouernment of the said Prouince, & the maintayning of a religious Communion & ciuil society one wth the other as becometh Christians wthout which it Vmpossible for any boddy Politic to prosper or subsist. *Wherefore* These are in the Lords Proprieto^rs Names to Will and Require all the freeholders belonging to To make Choice and appoint Two able men that are freeholders and dwellers Wthin the said Limits to be your Burgesses and Representatives for you, And they being Impowered by you are to make their personall appearance at Elizabethtowne the 25th day of May next as aforesaid & there to Joine Wth me your Gouerner & my Councell to advise in the Management of the affaires that are needfull and Necessary for the Orderly & Well Gouerning of the said Prouince hereof you may not faile as You and Every of You Will answeere your Contempt to the Contrary. GIVEN Vnd^r the seale of the Prouince the seaunth day of Aprill 1668 and in the XX yeare of the Reign of Ou^r Souereign Lord *Charles* the Second of England, Scotland, France & Ireland King, Defend^r of the Faith &c.

PH. CARTERET.

*Samuel Mavericke*¹ to Lord Arlington.

[From "New York Colonial Documents," Vol. III., p. 174.]

New Yorke in America

August 25th 1668

RIGHT HON^{BLE}

[*Extract.*] Shortly after y^e reduceing of these parts from under the Dutch to his Ma^{ties} obedience,

¹ One of the Royal Commissioners to New England, &c. ED.

the Lord Jn^o Berkeley and Sir George Carterett sent over hither to take possession of a certain tract of land granted to them by His Royal Highness out of his patent, which hath proved very prejudiciall to this place and government. Their Bounds reach from the East side of Delaware River to the West side of Hudsons River includeing a vast tract of the most improveablest land within His Royall Highnes his patent. It hath taken away some Dutch vilages formerly belonging to this place and not above three or foure miles from it: the Duke hath left of his patent nothing to the West of New Yorke, and to the East upon the Mayne about sixteen miles only from Hudsons River whereon is but one poore village, Long Island is very poore and inconsiderable, and beside the Citty there are but two Dutch townes more, Sopus and Albany, which lye up North on Hudsons river. I suppose when y^e Lord Berkeley had that grant, it was not thought he should come so neare this place, nor were y^e inconveniencies of it known or considered.

I shall not trouble yo^r Lord^s with further relation of matters here, since Coll Nicolls can give you full and particular satisfaction both in this or any thing else relating to these parts.

Your Lords^{ps}

Most humble servant

SAMUEL MAVERICKE

*Proclamation of the Governor and Council Relative to the
Inhabitants of Middletown and Shrewsbury.*

[From "East Jersey Records," Vol. II., Liber 3, p. 24.]

Prohibition for those at Navesinks to bare any office or have any Vote in Election till they have taken the Ooath—

WHEREAS by the Lords Proprietors Concessions no person or persons are to be admitted as a Freed man or Freholders

of this Province of New Jersey or to have or Injoy the Priviledges granted by the said Concessions untill they have taken or subscribed to the Oath of Alaegance to our Sovereign Lord the King and his Successors and to be true and faithfull to the Interest of the Lords Proprietors their heires and successors it is this day Ordered by the Govern^r and his Councell that from henceforth no person or persons within the Townes of Midleton & Shrewsbury and places Adjacent Shall have any Authority or power to bare any Office^e in any Military or Civil Affairs nor to have any Vote in Election or publick business, untill they have taken the said Oath of Alegiance to the King and Fidelity to the Lords Proprietors, upon the penalty of being proceeded against as Mutineers against the Authority of this Government, and the Disturbers of the Publick Peace and that all persons may take Notice hereof M^r Peter Parker the sworne Constable of Shrewsbury is hereby required to Publish this our Order in both the aforesaid Townes & to fix a Copie of the Same in some publicq place or places where it may be Seen and Read, & to take Notice with good Sufficient Witness in Writing, when it was published. Given under the Seale of the Province the first day of March 1668,¹ and in the one and twentieth yoare of His Majesties Raigne King Charles the Second &c By Order of the Governo^r & Councell.

JAS. BOLLEN, Prés^t

*Warrant for the Navesink Men to Produce the Lawes
and to Publish them.*

[From "East Jersey Records," Liber 3, p. 25.]

WHEREAS there Was a boddy of Lawes made by the Generall assembly barring date the 30th May and another past the 7 Nov^r last the captions Whereof Where sent to

the Towns of Shrewsbury and Midleton and as I am Informed are by some disaffected p^rsons Concealed and not published Wherefore these are to Will and Require you to demande the said Lawes In Whose hands or Custodie So ever they are and In Case of Refusall to take them by force and the same to publish in both the said Townes of Shrewsbury and Midleton, hereby requiring all p^rsons to be Ayding and Asisting to you in the Execution of yo^r office & for You so doing this shall be yo^r sufficient Warrant. *Given* Vnd^r my hand and Seale the first day of March 1668⁹¹

W^m Carter

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To M^r PETER PARKER Constable of Shrewsbury .

*Warrant from Governor Carteret, Requiring the Surrender
of a Paper, in the Hands of some Individual of Mid-
dletown.*

[From "East Jersey Records," Liber 3, p. 25.]

A Warrant to Require a paper signed by the In-
habitants of Midleton ag^t the Lawes

These are by the advice of my Councell to Require You to demande a certaine paper Subscribed by the Inhabitants of Midleton Concerning the Oposition of the Lawes in Whose hands or Custodie Soever it Is in and in Case of Refusall to take it by force and to Conway or bring the same vnto me and my Councell Requiring all p^rsons to be ayding and assisting Vnto you in the Executing of this Ord^r and for yo^r so doing this shall bee Your sufficient Warrant; Given Vnd^r my hand and Scale the first day of March 1668.¹

To M^r PETER PARKER Constable [PH CARTERET]
of Shrewsbury

Governor Carteret to Surveyor General Vauquillin.

[From Woodbridge Town Records.]

To M^r ROBERT VAN QUELLIN² *alias* LA PRAIRIE Sir

In anserr to yours of the 3^d instant I doe not understand that the towne of Woodbridge hath, any power to dispose of the Lords proprietors Lands without ther aprobatation; and Contrary both both to ther laws and ther own Articles; when it is thers accordingly to ther charter, they may doe with it what they please, till then it is at the Lords proprietors disposing; therefore without any more serimonies if there be any that are so contentious and will not pattent ther land, lay it out to those that will, and let them go and look for land where they can gett it; for Amboy I won-

¹ 1668-9.

² Vauquillin. Ed.

der M^r Pere [Pierce] should be so unadvised as to speak any more Concerning itt; he knows it was reserved for the lords in lew of the seventh partt, therefore may sett his hartt at rest, for that he shall never have, and if he will not pattent that land that is allotted for him, you may lay it out amongst the rest, to those that will, I was absent when several of your towne brought Corne which Champine did reseve but not upon Accop^t of Rent do to the Lords; he hath kept an Exact Accop^t of what he hath reseved from every particular man which I will be accomptable for and will give no reseit to any of them upon Accop^t of Rent, but to those that have pattented ther lands, therefore the policy in that will faile them.

For the Piscataway men ther dividing of ther meados and land without order will signifie nothing for I am about to pattent ther land to particular persons which will be glad to have it upon the same conditions they might have had itt, and to turne them out of the contrey; and then lett them go into ingland; and disput it in law with the Lords proprietors who hath the greatest interest. I have not more att present but that I am

Sir Y^r Assured friend

4 Aprill 1670

PHILIP CARTERET

[Appended to this was the warrant authorizing the Surveyor General to survey the meadows and lands irrespective of the claims of those who would not take out patents.]

Order from Governor Carteret Enlarging the Authority of the Court at Woodbridge.

[From "East Jersey Records," Liber 3, p. 36.]

ORDER FOR THE COURT OF WOODBRIDGE TO TRY ALL CAUSES
OUT OF THEIR JURISDICTION THAT SHALL BE BROUGHT
BEFORE THEM.

Whereas there Is no Court of Jurisdiction Established
Within this province but for the Townes of Bergen &

Woodbridge Whereby any Actions of debt or otherwise Can be Lawfully tryed according to Law, I have thought Fitt for the mere Ease and Conveniency of the Inhabitants of the said prouince to appoint Eyther of the said Courts Which shall be the Nearest Adjacent to the parties Complainants to have all such Causes Tried by Eyther of the said Courts as shall be directed vnto them by Warrant Eyther from my selfe or by the Justices of peace In Coreham or Eyther of them. *These* are therefore to Will and Request you M^r Peter Parker Justice of the Peace and president of the said Court of Woodbridge and Your Assistants to take Cognizance of all such Causes that shall be directed and brought before you betweene party and party, Or other Wise as aforesaid, although any Articles or Limitations by your Charter to the Contrary Not Withstanding and for Your so doing This shall be your sufficient Warrant durantum placeter. Given Vnd^r my hand and Seale of the Prouince the 20th day of Octob^r 1670

PH CARTERET.

Governor Carteret to the People of Woodbridge.

[From Woodbridge Town Records.]

To M^r JOHN PIKE Justice of Peace and President of the Cort att Woodbridge, his Assistants, and to all other the well affected persons of that Corporation or whom it may Concerne, greeting :—

Whereas I have Reseved information that ther are severall persons which you have Admitted to have ther voices in y^e towne metings, that have not any Land Surveyed and pattented according to their Articles and the tenner of the Charter granted to your Corporation, But on the Contrary in Contempt doe Wilfully neglaect the same, against the Lords Proprietors Authority, and to the prejudic and hindrance of all other honest minded men, as also the

indangering of the breach of your Charter by y^e suffring of such malignant Spirits to live amongst you, or to have anything to doe in your publick affairs, for the preventing whereof I have thought good by the advise of my Counsell to signify this unto you ; That all such persons that are not conformeable to the Tenner of your Charter, and that have not pattented ther lands accordingly are not from this day forward to Accompted as freholders, and by Conciquence are not to have any office whatsoever ; nor to have any vote or voice in your towne metings upon any publick business whatsoever ; nor yett to injoy any lands within the bounds of your Corporation ; but shal and may be lawfull for you to dispose of those Lands intended for them for the other persons that will be obedient or submit themselves to the laws and government of the province according to the Lords Proprietors Concesions and the tenner of your Charter ; which I doe hereby promise to confirme, and in default hereof on your partes I shall prosede to dispose of the said lands and tenements, According to the tenner of your Charter mentioned in the second Article ; given under my hand and seale of the province the 25 day of Oct^r Ano 1670, and in the too and twentieth yere of his ma^{ties} Raine &c

PHILIP CARTERET

Proceedings Against William Hackett, Captwin of the Sloop Indeavor.

[From "East Jersey Records," Deeds, Liber 3, pp. 75-77.]

RECORD OF PROCEEDINGS against William Hackett, Master & Comand^r of the Sloop called the Indeavor of Salsbery in the Countey of Norfolk In New England, (as ffolloweth.)

THE GOVERNO^{rs} WARRANT

Wheras a certain Vessell or Ship hath lately come into this Province and hath at Woodbridge bine unloaden & loaden contrary to an Act of Parliam^t Intituled An Act

for the Incouragement of trade; And that the Master of the said Vessell or Ship hath not wthin the tyme speceified In the said Act Given Inventory of the Goods & loading of the said vessell: These are in his Maiesties name to Will & Require you forthwth to make seisure of the said Vessell till tyme convenient for the tryall & hir to Detaine & Keep for his Maiesties use; And to observe ord^{ers} from mee, concerning the same. And hereof you may not faile as you will answer the contrary at yo^r perrill:

Given und^r my hand the fifteenth Day of May Anno Dom. 1671.

Signed by the Governo^r

To CLAUDE VALLOT,

PHILLIP CARTERETT

RICHARD SKINNER

WILLIAM JONES & RICHARD MICHELL.

May 16th 1671

Att a speciall courte held att Elizabeth Towne in the Province of New Jarsey by Com'ission from the Hono^{ed} Phillip Carterett Esq^r Governo^r of the said Province und^r the Lords Proprietors were p^{rs}nt In Com'ission: Cap^t W^m Samford President, M^r Robert Vauquellim; M^r Robert Treat Mr W^m Pardon: the Com'ission was read Before whome were called Phillip Carterett Esq^r Governo^r of the Province of New Jarsey in the behalfe of his maiestie Charles the Second pl^t: And William Hackett Master & Comand^r of the Sloop called the Indeavor of Salssbery in the Countey of Norfolk in New England Defend^t. The Jury being impaneled & sworne were Benjamin Price foreman, Nicholas Carter, William Pyles George Ross, Barnabas Wynd, Nathaniell Bon'ell Mathias Hetfeild John Wynings, W^m Olliver, Stephin Osburne, W^m Meaker, John Woodroff.

THE OATH.

You shall well & truly try all such Action or Actions as shall bee delivered to you by this Court & a true & pfect Verdict thereof Returne according to yo^r Evidence: yo^r owne

& ffellowes Councillis you shall well & truly keep untill the same bee Demanded in open Court. Soe help you God-& the Contents of this book.

The Plaintiff Declareth against the Defend^t In the behalfe of his Maiestie In an Action of the Case; for that hee the Defend^t haveing noe Regard to the observation & Keeping his maiesties laws made, And by Act of Parliam^t passed in the fifteenth yeare of his Maiesties Raigne but contrary thereunto hath presumed to come into this Province wth his Sloop & there continued for the space of eight or tenn Dayes or more, unloding & Loading his said Vessell or Sloop, never making any Entry of his said Vessell or Goods, all w^{ch} is contrary to Lawe & for which by Act of Parliam^t the said Vessell or Sloop being now seized by the Plaintiff for the King is forfeited wth hir Loading, Gunns, tackle furniture, Amunition & aparrell to bee disposed off as In the law p^vission is made, for all w^{ch} the Playntiff brings his Action & Craveth Judgem^t of this Court.

The Defend^t pleadeth not guilty of the Declaration, Evidence being taken the Jury haveing heard the pleas, Went forth: & upon a second & third going forth Declared to the Court that the matter com^{it}ted to them is of too great waight for them, And Desires the Court to make choice of other Jurymen, Whereupon the Court Adiourned till further order.

May 18th 1671.

The Court satt againe & a new Jeury Empannelled. Cap^t Nathanill Sayle foreman. M^r Samuell Hopkins, M^r John Bishop M^r Samuell Hayle, Cap^t Thomas Young. M^r Jonathan Dunham, M^r William Douglass, M^r Lawrence Andreas, M^r Hanse Didrick, Cap^t Adrian Poste M^r John Berry Jun^r M^r Mathew Bunn, the case was pleaded upo' the Declaration. Witnesses sworn: The Oath.—You shall well and truly try all such action or actions as shall bee Delivered to you by this Court & a true & pfect verdict

therof returne according to yo^r Evidence : yo^r owne & fellowes Councille you shall well and truly Keep untill the same bee demanded in open Court. Soe help you God & the Contents of this book.

THE DECLARATION.

Phillip Carterett Esq^r Governo^r of the Province of New Jarsey in the behalfe of his maiestie Charles the Second plaintiff : M^r William Hackett Master and Com[']and^r of a Sloop called the Indeavor of Salsbery in the County of Essex in New England Deffend^t : The Plaintiff Declareth against the Defendant in behalfe of his Maiesty in an Action of the Case ; for that hee the Defendant havinge no regard to the observation and keeping his Maiesties Lawes made & by Act of Parliam^t passed in March 25th 1664 : but Contrary thereunto hath presumed to come into the Province above said wth his Vessell or Sloope & their continued the space of Eight or tenn Dayes or more, unlading and Lading his said Vessell or Sloope never makeing any Entry of his said vessell or goods all w^{ch} is contrary to Law, and for w^{ch} by Act of Parliament the said Vessell or Sloope being now seized by the pl^t for the King is forfeitt wth hir loading. gunns tackle furniture, Amunition & Aparrell to bee Disposed of as in the Law Provisiion is made for all which the plaintif brings his Action and Craveth Judgem^t of this Court.

The Defend^t pleads not guilty of the Declaration, Wittnesses were sworne, William Sargeant & John Bishop Sen^r whoe gave in Evidence that the said W^m Hackett after his arrivall at Woodbridge had notice that hee should enter his vessell w^{ch} notwthstanding hee did neglect, Saying words that it was needles.

W^m Hackett the Defendant maketh his reply as followeth.

1. that hee the Defend^t was ignorant of any such act of Parliam^t bynding to enter vessells in every port haven or harbor when they shall arrive.

2. hee suposseth that y^t said Act of Parliam^t respecteth not small vessells that trade on this Coast from towne to towne that they shall bee bound to enter their vessells in every towne they come to for the cause of making that Law and the only End & intent therof was for the advancement of the Kings Custom, & to prevent fraud & Decept therein & its a sure rule take away the cause & the Effect Ceaseth for the King hath noe custom or imposition from these pts nor officers for such Ends & purposes Established therfor &c.

3. the Law was never published in this Province w^{ch} maketh it not to bee a law in this place & where their is not law their is not transgression for although it bee published in all pts else untill it bee published in this province and such other near plantations it cannot nor is not to bee a Law unto them.

4. it hath not bine the Custome of this place to require the Entry of Vessells arriving heere all the tyme since the Setlem^t of this province w^{ch} if it had the Defend^t should have had notice of it by other Vessells that formerly hath bine heere & then hee would have entered his vessell as others had don, but there being noe such Custome in these parts & noe such law published the Defft. came not into these parts in such a presumptious manner not haveing regard to the Observation of his Maiesties Laws as the plaintiffe hath Declared in more Gennerall terms then hee is able to make apeare.

5. the Deft would have Entred his vessell as aforesaid if there had bine any Law or Customary practice in this place for Doeing soe as well as Entred his Vessell in New Yorke where he knew it was the Custome & Law of the place soe to doe for the Defend^t his intention was not to defraud the King of any of his Customes in these pts by the not Entring his Vessell.

6^y. The Defend^t saith and can sufficiently p've that as soone as hee arrived wth his vessell to this porte hee tendered the Entring the said vessell to the plaintf.

7^y. The Defendant acknowledgeth that hee was at Woodbridge and other Seaport townes of this pvince & Stayed there wth his Vessell some dayes and loaded some goods there but possitively Denyeth that hee did there breake any of his Maiesties Lawes in soe doing for ther was noe Officer established in that pt. to take the Entry of Vessells by the plaintiff w^{ch} the Defendant Suposeth the plaintiff ought to have done if the Said Law had bine published & put in use in this p^vvince.

8^y. The Defend^t alleageth that his said Vessell the In-deavor is not lawfully arested by a publick Officer nor arested at all for there is nor was not any broad arrow sett upo' her Main Mast nor was there a broad arrow sett upon her Deck by any publick officer by virtue of any warrant from the Governo^r but the said Vessell is stopt by the plaintiff, hir sailes taken ashore & men put on bord, and the efect & Company turned out of hir whereby the Vessell is much Damnified: Now originall writts being the beginning of law & there being noe such writt for the Seasing the Defendants Vessell extant nor ever was, nor shee lawfully Arested: the plaintiff Doth by all Law and reason faile in his Suitt & the Defend^t may iustly require Dam'ages against the plaintiff and to b^ear all the charges of the Suit hereby ariseing.

9^y. The Defend^t Conceives it to bee Contrary to Law that the plaintiff should bee as hee is in this case Seazer, informer plaintiff and Judge.

10^y. Acts of Parliam^t for the Increase of Navigation and Shipping and for to p^vent frauds and Deceipt in his Maiesties Customes in some cases gives one third pte of the Seized to the King: one third pte to the Governo^r the other third pte to the informer, In Some other Cases gives one halfe to the King the other halfe to the informer not to the Governor thereby implying that the Governor of any respective Countrey cannot be informer himselfe because hee then must necessarily bee both Seazer informer plaintiff & Judge of a case of his owne for if it should bee

allowed of in Law that such a Governo^r might bee informer it is like many Ships & Vessells would bee on as slight attempts as this Seized on by Governors for Lucre's sake.

11^y. The Defend^t alleageth the plaintiff being Governo^r of this pvince hath Condemned the Vessell allready as by his Declaration Doth evidently appeare for hee saith & that possitively that the said Vessell, is forfeited w^{ch} proceeding is absolutly Contrary to Law and cannot but have great influence on them y^t sitte Judges of this case hee being the Governo^r.

12^y. The Defend^t saith there is noe reason or Law that hee should bee put or forced to stand to y^e Verdict of another Jury because the former Jury hath by their Verdict Cleared the Defend^t Vessell nor is it reason or Law that Juries should be over awed or new Jeuries pickt out to serve mens purposes, therefor the Defend^t stands to the first verdict of the Jury & in relation thereunto requires the benefit of his Nationall Law.

13^y. his Maiesty hath himselfe in amost eminent Manner expounded that very p^tended Clause in the said act of parliam^t concerning entering of Vessells in amost notable Case of the like nature that happened in Mary Land upon the Seazing of a Vessell there for not Entring according to Law although in the said Province the said Law is published, And fyned the Lord Baltemore Eight thousand pounds sterling for the said seizure as is publicly knowne to many thousands

14^y. the Defendant maketh this his foregoing answer to the plaintiffs Declaration reserving to himselfe according to the Lawes of England liberty as occasion shall require to answer further.

OFFICERS OATH.

You shall keepe the Jury wthout meat Drinke and Candle light or any p-son Coming to heere or Discourse wth them untill they shall Declare to you that they are agreed in their verdict, Soe help you God & the contence of this

booke. The Jury went aside and after Some tyme brought in their Verdict as followeth.

Elizabethtowne May 18th 1671—

Att a speciall Court their held by the Governo^r his ord^r Phillip Carterett Esqr Plaintiff In an Action of the Case in behalfe of his maiestie and M^r William Hackett Defend^t the Jury findeth for the plaintiff, the Vess wth hir furniture forfitt. Cost of Court and Jury out of the same, to bee defrayede.

Signed by NATHANIELL SAYLE, foremane

The Court passed Judgem^t according to the Jurys Verdict.

The two third pts of the said Sloope was by the Governo^r Delivered back againe to the use of the employers and owners they paying the sume of twenty six pounds thirteen shillings & foure pence for ye two third pts of the Charges reserving sufficient Caution for the other third pt to his maiestie as it was sold by the Candle the Sum' of

WILLIAM HACKETTS AQUITTANCE TO THE GOVERNO^r.

Wheras the Sloope Indeavour wherof I William Hackett was M^{aster} became seized & forfeited by Ord^r of Law as by sentence of Court at Elizabethtowne in the Province of New Jarsey it apeareth, And that the Honrd Phillip Carterett Esqr Governo^r of the said Province hath of his favour and goodness Given back and Remitted the two third pts of the said Sloope soe forfeited Reserving sufficient Caution for the other third pte to his Maiesties use & behoofe and paying the pportion of Charges belonging to the said two third pts w^{ch} I ingage to pay before my being repossessed of the said Sloope amounting to the Sum' of six & Twenty pounds thirteen shillings & fower pence sterling w^{ch} favour I doe heerby humbly & thankfully acknowledge And by these pressents I the said WILLIAM HACKETT have remitted released & Discharged And by these p^rsents Doe for mee my heires Executors & Admin-

istrato's and these whot werr my impLoyers Remitt Release
& Discharge the said Honord Governo^r his heires Execu-
tors & Administrators for ever of and from all matters
Actions Causes of actions, Claymes & Demands whatsoever
relating to the said Seizure and forfeiture of the said Sloop
or matters whatsoever to this p'sent Day: In Wittnes
wherof I the said William Hackett have heerunto sett my
hand and Seale this thirtieth Day of June in the yeare of
o^r Lord one thousand six hundred Seaventy one,
Sealed & Delivered in ye WILLIAM HACKETT. [SEAL]
p'sence of

JOHN PAYNE

WILLIAM PARDON, Deputy Secret'y

*Council Minutes—Indian Murders at Matiniconck Island,
Delaware.*

[From "New York Colonial Documents," Vol. XII., p. 484.]

At a Councell held at Fort James Sep. 25, 1671

Present The Governo ^r	} of New York
M ^r Mayo ^r	
M ^r Sheenwyck	
The Secretary	} of New Jersey
Governo ^r Philip Carterett	
Cap ^t James Carterett ¹	

The Occasion of y^e Present Meeting is the Lett^r brought
from M^r Toms by Peter Alricks about the Murder of two
Christians (Dutch Men) killed by some Indyans, at the
Island Matiniconck² in Delaware River.

¹ This is the first mention made of James Carteret, a son of Sir George, who, for a brief period, attained to some prominence in the affairs of the Province, being elected by the malcontents "President of the Country" over the rightful Governor. He left the Province in 1673 for Carolina, but subsequently returned to New York, where, in 1673, he had married the daughter of Thomas Delavall, Mayor of the city. He returned to Europe subsequent to 1679. "East Jersey Under the Proprietary Governments," 2d Edit., pp. 67, 68, 72. Ed.

² "Matiniconck," afterwards known as Burlington Island. Ed.

Peter Alricks¹ being p^resent relates what is to y^e Truth of the Murder upon w^{ch} hee is examined. Hee saith the whole Nation of the Indyans of whom these Murderers are, consists of about 50 or 60 persons. All the Mischeifs committed in Delaware these 7 yeares by Murder and otherwise, are said to be done by them.

The Indyans their Confederates (as it's supposed they will bee if a Warr follow) with this Nation of the Murderers, may bee about a thousand persons besides Women and Children.

The Names of the two Murderers, are Tashiowycam & Wywannattamo.

Peter Alricks declares, That two of y^e Saggamores of the Nation of the Murderers, promised their best Assistance to bring in the Murderers, or to procure them to be knockt i' the Head, if it be allowed by the Governor.

Many other Indyans that he mett upon the Road did very much disallow y^e murdr & were very sorry for it, & offered their Assistance against them likewise, only the Difficulty was, that there were seven of these Indyans, Men of the Same Stock, that if the two should be seised, the other five would seek to bee Revenged; soe it was unsafe.

Divers other Discourses between him & the Indyans he related as to this matter. The Proposall to have y^e Murderers destroyed was to cause a Kinticoy to bee held, & in the midst of their Mirth, That then one should be hired to knock him i' the head. This by the Sachem.

Peter Alricks saith: The proper time to sett upon this

¹ PETER ALRICKS is first mentioned in connection with the settlements on the Delaware, in 1659. In 1665, in consequence of the hostility manifested towards the English, his property was confiscated and conferred upon William Tom. In 1668, however, he professed allegiance to the English and was placed in possession of Burlington Island, but on the Dutch obtaining the ascendancy again in 1673, he was equally ready to renounce it. He was subsequently appointed a Justice of the Peace, and filled other stations, indicating on the part of the chief authorities some confidence in his executive ability and general usefulness. It is thought that he subsequently became a member of the Pennsylvania Colonial Legislature.—See MS. account by Edwin Salter, in New Jersey Historical Society Library, and references in "N. Y. Col. Docts.," Vol. XII. Ep.

Nation of the Murderers is within a Month from this time, for after they'l breake off their keeping together in a Towne, & goe a hunting, soe bee separated & not to bee found, but now the danger is of their destroying the Corne and Cattle of the Christians.

The Occasion y^e Murther is said to bee that Tashiowycans Sister dying, hee exprest great Greefe for it, and said
 ——— The Manetto hath kill'd my Sister & I will go & kill the Christians, Soe taking another with him hee went & executed this Barbarous fact.

Letter from Governor Lovelace to Mr. Tom, at Delaware.

[From "New York Colonial Documents," Vol. XII., p. 485.]

L're from ye^e Govenor^r to M^r Tom at Delaware Septem 26th
 1671.

M^r Tom.¹

I received yo^r Lett^r of y^e 15th of September 1671 by Hendrick Loaper, wherein you give me an Acct. of the Barbarous Murder of y^e two Christians on Matinicock Island by y^e Neighbour Indyans. I must confess I was much startled at y^e Narrative, and y^e rather in regard Capt. Carr had given mee lately soe full an Assurance, that all things between yo^u and y^e Indyans were so firmly settled, that there was hardly any Roome left for any Distrust or Jealousy of them, betwixt you and them; Much lesse that soe suddenly after they should breake out into

¹ CAPTAIN WILLIAM TOM was the first English civil officer in West Jersey, and one of the most prominent and trustworthy early settlers. He came over with Sir Robert Carr, in the expedition under Col. Nicolls, in 1664. He was appointed to several offices, and, as Sheriff, his authority extended at one time over both sides of the Delaware, to Burlington Island. This office he resigned in August, 1672. In 1674 he was appointed Clerk of the town of New Castle by Gov. Andros, and subsequently a Justice, &c. It was after him that Tom's River, in South Jersey, was named. He died in January, 1678. See MS. account by Edwin Salter, in New Jersey Historical Society Library; and references in "N. Y. Colonial Documents," Vol. XII. Ed.

these unheard of Crueltyes & villanous Murth^r w^{ch} as their Crimes have not Paralell, soe I am assured y^e vengeance of God will never forsake us, till wee avenge y^e Blood of y^e Innocent on y^e contrivers heads; Had my Directions been bravely & vigorously followed by you in the last sad Accident, I doubt not but it would have p^rvented this; & I pray God this sin be not laid now to your charge. I shall by this Conveyance Transmitt but little to you in regard I know not how and when it may arrive you, but I reserve my more ample Instructions, w^{ch} I will send by Peter Alrick, who To-morrow will Imbarque in Tom the Irishman; However if this arrives you first I would have you to pretermit noe time, but to bethinke how a Warr may be prosecuted on those Villaines; And in regard it will require some time, till all Things be brought in Order to y^e best Advantage of Compassing our Designe. I think it requisite that all y^e ffrontier Scattering Plantacons be ordered immediately to thrash out or remove all their Corne, as likewise their Cattle, that soe they may receive y^e less Damage by the Effects of y^e Warr w^{ch} will ensue. Next that none (on paine of Death) presume to sell any Powder, shott, or Strong waters to y^e Indyans, and that in the meane time you carry (if practicable) a seeming Complacency with that Nation by either Treaty or Traffick, that soe they may have y^e less mistrust of our intended Designs; but if it can be soe contrived that that Nation will either Deliver up y^e Murtherers to you, or their Heads you have then liberty to assure that Nation of noe Disturbance till I am acquainted there wth; The Governo^r of New Jersey & Capt. James Carterett are acquainted wth all o^r Resolucons, who this Day repaires from hence to his own Government to settle all Things in Order to y^e bringing those Villaines to condigne Punishm^t hee is very hearty & Zealous in that affaire; & I am assured wee may depend on a handsome & considerable Supply & Assistance from him; I charge you lett mee heare from you on all immergent Occasions, and bethinke yo^rselves of y^e prosecuting of

a warr, and therefore make y^e best preparacons in Order to it; If a good Worke were throwne about Matinicock House, and that strengthened wth a considerable Guard, It would be an admirable Frontier; and from thence wee might proceed to an execucon when all Things are in readyness there unto. I am sorry to hear Capt. Carr is soe ill as you relate him; I hope hee may in some reasonable time recover strength enough to follow this Affaire; w^{ch} if at this time I had not soe many different and considerable Affaires to Dispatch, you should not have receiv'd a Letter from mee, but my own person.

I have nothing more at p'sent to Add but to assure you that I am

Yo^r very Affectionate Friend

FRAN. LOVELACE

Council Minute—The Indian Murders at Matiniconck Island, Delaware.

[From "New York Colonial Documents," Vol. XII., p. 486.]

At a Councell held by Mutuall Agreement at Elizabeth Towne in New Jersey by y^e Governo^r of his Royall Highness Territoryes & y^e Governo^r under the Lords Proprietors of the Province of New Jersey y^e 7th day of November in y^e 23th yeare of his Ma^{ties} Reigne Annoque Domini 1671.

Pres^t—Governo^r Lovelace

Gov. Carterett

M^r Steenwyck

M^r Tho: Lovelace

Capt. Berry

M^r De La Praire ¹

M^r Pardon

M^r Nicolls

¹ The name by which Robert Vauquillin, Surveyor General of East Jersey, was sometimes designated. Ed.

Vpon serious and mature Consideration of what hath been returned by the Officers of Delaware in Answer to the late Ord^m sent thither, concerning the Barbarous Murder committed by some Indyans on the East side of that River upon two Christians at Matiniconck Island, It is resolved and Concluded upon as follows :

Inp^m That this present Season of y^e yeare is not a fitting time to Commence a Warr with y^e Indyans, who shall take part with the murderers, as well for the Reasons given in Writing from y^e Offic^m at Delaware as for other Causes debated in Councill ; soe that the p^rsent intended Expedition thither is deferred untill a more convenient Opportunity.

2 That in the meane time all Endeavo^m bee used by persons in Authority in Delaware to have the Murder^m brought in either dead or alive ; ffor the accomplishing whereof, if any Reward shall bee proposed or promised by the s^d Offic^m for the bringing them in, the same shall be punctually made good. And for that may soe happen that the Malefactor by some Strategem or otherwise may be taken alive, a Commission shall forthwith be granted by his Royall Highness Governo^r & herewth sent empowering and Authorizing the Offic^m and Magistrates, who shall therein bee named, to bring them to Condign Punishment by putting y^e said Murder^m to Death in the most Publick and shameful manner that may bee, soe to strike a terrour & Consternation in the rest of y^e Indyans, who shall see or heare of the same.

3 Whereas some Resolutions & Ord^m have been lately made at Delaware of their Intentions to retire into Townes for their better safety and security against the Indyans in case of a Warre, y^e said Resolutions are very well approved of ; And it is Ordered, That at their best & soonest Convenience they bee put in Execution accordingly.

4 The like Resolucon proposed as to Matinicoek, It being a ffrontier Place, it is also allowed and approved of ; & shall bee done at the first Convenient time & season.

5 It is also Ordered, That the Inhabitants at New-

Castle & parts adjacent upon Delaware River bee digested into severall Companies as y^e Townes and number of Men will permitt; & upon returne of the Names of the Officers, that shall be chosen amongst them to have the Command of such Companies they shall have Commissions for their respective Employments under his Ma^{ties} Obedience. In the meane time those Officers, that shall bee chosen, are to Act & proceed wth Allowance, till they bee confirmed.

6 That every Person that can bear Arms from 16 to 60 years of Age, bee allways provided with a Convenient proportion of Powder & Bullett fitt for Service, and their mutual Defence, upon a penalty for their neglect herein to be imposed by the Commission Officers in Command according to Law.

7 That y^e quantity or proportion of Powder & Shott to bee adjudged competent for each person bee at least one pound of Powd^r & two pound of Bullett. And if the Inhabitants on the River shall not bee found sufficiently provided wth for Armes, his Royall Highness Governo^r is willing to furnish them out of the Magazine or Stores, they being accomptable & paying for what they shall receive to the Governour on his Ordre.

8 That the Places, where the Towne-ships upon y^e River shall bee kept, bee appointed & Agreed upon by the Schout, Commissaryes and the rest of y^e Offic^{rs} there according to their Proposall sent, as also where the Block-Houses & Places of Defence shall bee erected as well in the Towne as in the River.

9 That all former Prohibitions of selling Powder & Ammunition to the Indyans under what penalty soever be suspended or left to the discretion of the Officers, as they shall see Occasion untill further Order.

10 That noe Corne or Provisions bee transported out of Delaware, unless that which is already on board or intended to bee shipt in y^e Sloope of Thomas Lewis (now in that River) for y^e w^{ch} hee shall have a special License or Permitt, until further Order.

11 That y^e Offic^{rs} & Magistrates at Delaware bee hereby Empowered & Authorized to treat with the Neighbour Indyans of the Susquehanas or others to joyne together against y^e Murder^{rs} & such as shall harbour them or take their part, if Occasion shall require, & to promise them such Reward as they shall think fitt. Provided it bee done with great Privacy & Caution, soe that noe sudden Jealousy bee given to the Persons intended to bee prosecuted or their Confederates.

12 And Lastly that the afore-recited Officers & Magistrates upon all emergent Occasions doe take Care by all Meanes, that shall present, as well as by Expresses, to give an Acco^t hither of what from time to time shall happen there in relation to this matter, w^{ch} said Expresses & Messengers shall be well and duely satisfied for their paines and troubles.

Letter from Governor Lovelace to Captain Carr at New-Castle.

[From "New York Colonial Documents," Vol. XII., p. 488.]

Lre from y^e Governo^r to Capt. Carr at Delaware, Dated
Novemb^r 9th 1671

CAPT. CARR

The backwardness of y^e Inhabitants in Delaware has putt a stop to y^e forwardness of those in New Jersey, who were ready wth a handsome Party to have stept in y^e Worke to bring y^e Murderers to condigne punishm^t. And truely I was much ashamed to see such an Infant Plantacon to outstrip us, who should have been rather an Example, to others than to follow them; especially having y^e Countenance of a Garryson to Boote, and you y^e principall Officer! What Acc^t I shall give to his Royall Highness of this remissness I know not, other, but to lay y^e blame where it justly is due; ffor, you to receive y^e Dukes pay constantly, and y^e appearance of Souldyers, and to lett y^e Forte runn so miserably to Decay, and not employing them in y^e repa-

The Court being satt, the commission read, jury called, after some debate, the court adjourned till February 28 following at tenn o'clock in the morning.

Feb. 28, 1672. [1671-2.]

The Court sit again, the commission read as followeth :

WHEREAS complaint hath been made to me of wrongs and injuries done by several persons within this province to the great anoyance and disturbance of the Peace, and Contrary to the laws and good order which ought to be amongst men, I have thought fit and necessary with the consent and approbation of the Generall Assembly held in this towne for the Province of New Jersey the 14th day of December last past, by this my special Commission of Oyer and terminer, to nominate, constitute, authorize and appoint you Cap^t: John Berry one of my Council, President of the Court for this terme, M^r: Bobert Vauquelin, M^r: Samuel Edsall, M^r: Robert Bond, Cap^t: John Pyke, Cap^t: Robert Treat & M^r: William Pardon or any three of you, to be a court to meet together and sit upon Tuesday morning the seaven and twentieth day of this instant February at nyne of the Clock at the towne house in Elizabethtowne, within this province, then and there to call before you, all such person or persons whether plaintiff or defendant, or any person or persons whatsoever, against whom Complaint shall be made or Charge laid in matter of cryme and fact and them to hear either in person or by their attorney or attornies, the cause or causes pleaded, and to determine and pass sentence upon the same according to law and justice, and it to put in execution accordingly and if need be, to make choice of a President amongst yourselves; and if you see cause, to adjourn to another day for the doing whereof this shall be to you and every of you a sufficient warrant. And all persons are hereby required in His Majestys name, to give you the due respect and observance of a Special Court, constituted by the authority of the Lords Proprietors of this province and to be ayding and assisting to you in the prose-

cution of this my commission of Oyer & Terminer as need shall require.

[L. s.] Given under my hand and seal of the province at Elizabethtowne this tenth day of February in the year of our Lord, one thousand six hundred and seventy one

By the Governor's Order.

PH. CARTERET

WILLIAM PARDON, Dep. Sec^y

JURY SWORN

M^r: Jonathan Dunham, (foreman) M^r: Samuel Hale M^r: W^m Douglass
M^r: John Bishop Sen^r: M^r: John Blumfield, M^r: Claus Jansen Pummerent
M^r: John Martyn Sen^r: Cap^t: Caspar Stenmitts M^r: Hans Diederick
M^r: Isaak Tappan M^r: Laurence Anders M^r: Samuel Dennis

The names of persons summoned and indicted for pulling down Richard Michells fence.

William Meaker, Jeffery Jones, Luke Wattson, Nicholas Carter, Samuel Mash Sen^r, John Ogden Jun^r, Joseph Meaker, Hurr Tompson.

Feb. 28, 1671.

The Court adjourned their sitting to the eight day of March following, and all persons by proclamation then to appear by virtue of their former summons.

March 8, 1671.

The Court being satt, proclamation made. Oyes &c all manner of persons &c. The Commissioners present that day Cap^t: John Berry President, M^r: Samuel Edsall M^r: Robert Bond (M^r: Robert Treat was absent) Cap^t: John Pyke, M^r: William Pardon.

The jury personally appeared and answered to their names and the persons indicted viz: W^m Meaker, Jeffery Jones, Luke Wattson, Nicholas Carter, Samuel Mash Sen^r: John Ogden Jun^r: Joseph Meaker, Hurr Tompson.

The indictment was read as followeth,

WILLIAM MEAKER You are here indicted in the behalf of our soveraigne Lord the King Charles the Second, by the

name of William Meaker for that you not having regard unto nor observance of his said Majestys laws, did upon the twentieth day of June last past with severall other persons not less regarding the violation of the good and wholesome laws of our Sovereigne Lord the King, by name Jeffery Jones, Luke Wattson, Nicholas Carter, Samuel Mash Sr. John Ogden Jun^r Joseph Meaker, Hurr Tompson, all of the town & province abovesaid, unlawfully assemble together in a Rout and Riotusly did intend, go about. practice & put in use, to overthrow, cut breake, cast down or digg up, a considerable quantity of fence belonging to Richard Michell, with intent that the land lying at the rear of the house lot of Francis Barber and George Pack & others, then in the possession and occupation of the abovenamed Richard Michell, should remain open, all which is contrary to the law, and a breach of the King's peace.

What say you to this charge? Are you guilty or not guilty?

The persons above named indicted appeared in Court, and the indictment read to them, departed without entering their plea though commanded to attend the Court: And M^r Samuel Moore Attorney in the Kings behalfe made his plea and evidences taken in court.

The plaintiff for plea saith.

First. That none shall enter into any lands in the possession of another person; but whose entry is given by law, and then in a mild and peaceable manner; but here was an entry made by the persons indicted, without any due process in law and in a violent manner.

Secondly. If three or more do meet together, to do an unlawful act against the peace, or to do an unlawful thing in an unlawful manner, and being met do goe forward in a turbulent manner to effect what they met for and at last doe finish their work, this is a riotous act.

But the persons here indicted, did meet together June 20th 1671. on purpose to pull down Richard Michells fence, and being met, did goe forward and did throw it down to

the ground, and layed the land open, with intent it should soe remain as it appears to this day ; therefore we say, that these delinquents thus meeting, proceeding and acting in an illegal manner to doe an unlawful thing is a very great breach of the Kings peace and by law adjudged to be a riott.

EVIDENCES.

The evidence of George Pack of Elizabethtown in and about the business of Richard Michell fence and houseing being thrown down by several persons, and also the evidence of Richard Michell taken Feb. 1, 1671, and by them Sworn to in this court as followeth :

That the last Summer, he having agreed with Richard Michell upon terms about the planting a peice of land of his, for a crop of tobacco, which land was fenced in for a crop and that a meeting for our Syde was at Goodman Carters, where they warned me not to *pitch* any plow in it, whereby I was disappointed of my cropp. and William Letts upon the same account, for I had lett him one half of the same piece of ground for to pitch a crop of tobacco, wherein we were both disappointed. Upon that it rested till the town meeting when it was concluded that Richard Michell should not have this land, because he never asked the towne for it, as they said and concluded to take this piece of land from him again, because it was not a full vote of the towne, that he the said Richard Michell had it. The next morning after the said town meeting, the said Richard Michell came to my house, and I went with him up to the said lott, and going up, came to William Letts his house and lighted our pypes, and when we had lighted our pypes, people came upon the said ground, Goodman Meaker, the young John Ogden Jeffery Jones and Nicholas Carter, and we coming down to them at the corner of the said lott, the said Richard Michell forewarned them of pulling down the said fence and spake to them of a riott, upon that Goodman Meaker, put to it and began to pluck down the fence, and then all the rest did the like, and left

not off till they had plucked down one side and one end, and more he at present saith not.

WILLIAM LETTS testifieth and saith.

That at the same time when Richard Michell and George Pack came to my house and lighted their pipes, I followed them down to Richard Michells lott, and when I came down following the said Richard Michell and George Pack, Goodman Meaker of this towne and his sonn and John Ogden the younger and the old Mash of this towne and Jeffery Jones and Luke Watson and one of Goodman Tompson's sonnes went and pluckt Richard Michells fence down, and more at present saith not concerning these persons. And awile after, being at my own house, there came in Robert Moss and M^r Crayne of this towne, who asked for drink and I having none they went away presently, and presently after they were gone, I heard a *noyse* and looked out and saw the said Robert Moss and M^r Crayne beating down the Claboards of Richard Michells house, and plucked up the pallasades of the garden, and before I came, the hoggs, within an hours tyme had rooted up and Spoiled all that was in the garden, which was full of necessary garden herbs.

VINCENT RUNYON testifieth and saith.

That in June last he saw several persons of the towne viz. Goodman Meaker of this towne and his eldest sonn and one of M^r Tompsons sonns M^r Ogdens sonn John and Jeffery Jones & Goodman Carter and Luke Wattson and the old Mash upon Richard Michells lot pulling down the fence, and while they were so doing M^r Pardon Came in, then they asked him whether he were come to help pull down the fence. And M^r Pardon answered that he did not come to help pull down the fence, but to take notice what you do. Then said John Ogden, we do not cair if a hundred such fellows as you are, do take notice of what we do. And M^r Pardon answered you speak very sausily, and that Luke Watson, did not put his hand as I saw, to pull down the fence, but said if I am in place its as good, but after

Mr Pardon Came, then he heaved one logg off from the fence, and said you shall not say but I will put my hands to it, and more he saith not.

WILLIAM CRAMER evidenceth and saith.

that he Knoweth that the abovesaid George Pack and William Letts had their plants in readiness for the planting the said ground, as he did understand by the said George Pack & William Letts, the plants being upon the same ground and ready to sett.

RICHARD MICHELL being sworn testifieth and saith.

That William Meaker and his sonn Joseph Meaker and John Ogden Jun^r and Hurr Thompson were upon his lott and pulled down a great part of his fence, then afterwards came Luke Wattson, Nicholas Carter, Jeffery Jones & Samuel Mash Sen^r and all of them did put their hands to pull down the fence. The deponent says that he did forewarn them not to pull down the fence; and William Meaker answered, do you warn us? and with that went to pull it down, then the deponent went away.

WILLIAM PARDON being sworn saith,

That on the 19th June 1671. he was at a meeting of severall inhabitants of this towne, who were met together at the towne house and resolved to pull down Richard Michells fence, and the next morning, went to the said ground and saw William Meaker Jeffery Jones, Luke Watson Nicholas Carter, Samuel Mash Sen^r John Ogden Jun^r Joseph Meaker and Hurr Tompson pull down the fence of Richard Michells lott.

CERTIFICATE OF THE TOWNE RECORD

June 19. 1671. It was agreed by the Major vote that Richard Michell should not injoy his lot given him by the governor. Upon information June 19. 1671. it was agreed that there should some go the next morning and pull up Richard Michell's fence. A Coppie of the towne record by me.

ISAAC WHITEHEAD Clark

The matter was left to the jury, who went together and

the same day at night, the jury brought in their verdict to the president sealed up; and March the 9th following delivered it into the Court by Jonathan Dunham foreman, and find the eight persons indicted, guilty of a riot, Signed by Jonathan Dunham foreman as followeth.

March 8th 1671.

Att a Court holden at Elizabethtowne in the province of New Jersey in a case depending between our Sovereigne Lord the King and eight persons in the indictment of riot specified viz William Meaker, Jeffery Jones Luke Watson Nicholas Carter Samuel Mash Sen^r John Ogden Jun^r Joseph Meaker, Hur Tompson the jury finds the abovesaid eight persons, and every one of them guilty of a riott, and upon due deliberate consideration return this verdict to the Court. JONATHAN DUNHAM in the name and with the Consent of the jury.

The Court accepteth the verdict.

Proclamation made, the court adjourned, and all persons concerned to attend further order.

The same day was issued a warrant of summons to the Marshall to summon the persons above named viz William Meaker and the rest indicted to make their personal appearance forthwith before the Court, to hear the result of the court concerning the said riott, which is found against them,

March 9th 1671

The Court having sumoned the eight indicted persons above named viz: W^m Meaker, Jeffery Jones, Luke Wattson Nicholas Carter, Samuel Mash Sen^r John Ogden Jun^r Joseph Meaker & Hurr Tompson, found guilty by the verdict of the jury, and they appearing, the court do assess William Meaker to pay five pounds and the other seven persons to pay three pounds each man to the use of His Majesty, and that the Marshall of the court do distrain the said severall sums upon the goods and chattels of the said several persons, and the same bring to sale, and return the overplus to the owners.

*Confirmation of Certain Privileges to Middletown and Shrewsbury.*¹

[From "Grants and Concessions," p. 663; "East Jersey Records," Liber 3, p. 53.]

GOVERNOR CARTERET TO THE PATENTEES OF MIDDLETOWN AND SHREWSBURY.

*New Jersey May 28th 1672*²

UPON the address of *James Grover, John Bowne, Richard Hartshorne, Jonathan Holmes*, Patentees, and *James Ashton, and John Hause*, Associates, impowered by the Patentees and Associates of the Towns of *Middletown and Shrewsbury*, unto the Governor and Council for Confirmation of certain Priviledges granted unto them by Col. *Richard Nicolls*, as by Patent under his Hand and Seal bearing Date the 8th Day of *April, Anno Domini, One Thousand six Hundred Sixty five*, the Governor and Council do confirm unto the said Patentees and Associates, these Particulars following, being their Rights, contained in the aforesaid Patent, viz

Imprimis That the said Patentees, and Associates, have full Power, License and Authority to dispose of the said Lands expressed in the said Patent, as to them shall seem meet

II That no Ministerial Power or Clergyman shall be imposed on among the Inhabitants of the said Land, so as to inforce any that are contrary minded to contribute to their maintenance.

¹ These towns were not represented in the disorganizing assemblies of 1671 and 1672, and for their faithfulness to the Proprietors, and having surrendered their claims under the Nicolls' grant, received this recognition of their rights in return, in anticipation of the general instrument given by Sir George Carteret on the 31st of July, 1674. See "Grants and Concessions," p. 50, and "East Jersey Under the Proprietary Governments," 2d Edit., p. 82, note. ED.

² The "East Jersey Records" have the date at the foot, prefaced with "Bergen Jurisdiction in the Province of New Jersey," and the names read as follows: "James Grover, John Bowne, Jonathan Holmes, Richard Hartshorne, John Hause and James Ashton Impowered &c.," no difference being made between "Patentees" and "Associates." ED.

III That all Causes whatsoever, (Criminals excepted) shall first have a hearing within their Cognizance, and that no appeals unto higher Courts where Sentence have been passed amongst them under the Value of *Ten Pounds* be admitted.

IV That all Criminals and Appeals above the Value of *Ten Pounds*, which are to be refered unto the aforesaid higher Courts, shall receive their Determination there: Appeals to his Majesty, not to be hindered.

V That for all Commission Officers both Civil and Military; the Patentees, Associates and Freeholders, have Liberty to present two for each Office to the Governor whom they shall think fit, one of which the Governor is to Commissionate to execute the said Office, and that they have Liberty to make peculiar prudential Laws and Constitutions amongst themselves according to the Tenor of the said Patent

PH. CARTERET

JOHN BERRY

LAWRENCE ANDRESS

SAMUEL EDSALL

JOHN PIKE

JOHN BISHOP

*Declaration and Protestation of the Governor and Council
Against James Carteret.*

[From "East Jersey Records," Liber 3., p. 53.]

A Declaration & Protestation of the Hon^{ble} Phillip Carteret Esq^r Govern^r of the Province of New Jersey & his Councill, unto all the Inhabitants in the Several Townes and Plantations in the Province abovesaid as followeth.

WHEREAS, We are certainly Informed of several Eregular & Illegal proceedings & Actions of several Persons styling themselves The Deputies or Representatives for the Country, in Attempting the making an Alteration in this Government by Assembling together at Elizabeth Towne, the

fourteenth day of May Last under the Denomination aforesaid, without writts from the Governo^r or without the knowledge approbation or Consent of the Governor and Councill abovesaid, & by Electing a President for the Country and making Proclamation publicly of these their Illegal Actions All which tends only to Muteny and Rebellion and to the Disquitement of the Peaceable Inhabitants of this Province, and is altogether Contrary to the Constitution of the Government and the Interest of the Lords Proprietors which we are by o^r oathes bound to maintain to the utmost of our Power, according to our best Skill & Judgment. We therefore in his Majestys Name do strictly charge and Command all and every person or persons, that hath had any hand in these Illegal Actings, imediately upon Publication hereof to desist from all such Illegal proceedings and to yield due obedience unto the Government of the Lords Proprietors and their Governor Phillip Carterett Esq^r (who is by them commissioned for that service) and his Councill untill the Lords Pleasure is to Commissionate some other person for that purpose and the same be Legally Published, which if they shall readily doe The Governo^r and Councill will as readily pass by the faults by them Committed Judging that they have been misled by Ill Advice And that the Chief Actors in these Illegall proceedings viz^t those who call themselves Deputies for Elizabeth Towne Newark, Woodbridge, New Piscataway and one from Bergen, doe within ten days after Publication hereof Come and Declare their submission unto the Governor & Governm^t as abovesaid in writing under their hands, upon which their submission so declared, We The Governor and Councill doe hereby Promise and Engage that their Illegall Actions as touching the Premisses before Publication hereof shall be buried in Oblivion, but if they the said Persons shall still persist in such kind of Illegall Actions or not declare their Submission as is above Expressed, they shall be proceeded against as Mutineers & as Enemies to the Government Peace and Welfare of this

Province, and we do further declare that o^r hearty desires are that these Breaches may be peaceably healed and that we may all Live in Peace Love and Amity each with others, all persons conscienciously observing the respective Duties in their Several Stations & Relations, But if these o^r desires doe unhappily Fail us of o^r hoped Expectation, We doe hereby Declare and Protest against all such Illegall Actions, & must & shall in faithfulness to the trust reposed in us and discharge of o^r oaths put in Execution that Power and Authority that we have from the Lords Proprietors upon all persons that shall obstinately persist in any such Mutinuous Actions or Attempt & if by this means there should be any blood shed We do hereby Cleer our Selves before God & Man from the Guilt thereof. It is the Governor & Councils pleasure that the Declaration be Published by the Constable of each respective Towne within this Province at a full Town meeting, & the Same to keep in his Custody & Let any Person or Persons have Copies thereof Dated in Bergen Jurisdiction this 28th May 1672.

PHILLIP CARTERET.

ROBERT VAUQUELLIN	SAMUEL EDSALL
JOHN BISHOP	JOHN BERRY
LAWRENCE ANDRES	W ^m PARDON
JOHN PYKE	

Letter from the Council to Governor Carteret.

[From "East Jersey Records," Vol. II., Liber 3, p. 57.]

To the Hono^{ed} Phillip Carteret Esq^r Governor of
the Province of New Jarsey June 15th 1672

HON^d GOVERNO^r, Wee underwritten in the Capacity of
Councillors to your Honn^d: having taken into our Serious
considerations the many Complaints of the Inhabitants of
this Province which daily Sounds in our Eares besides
what we have Seen with our Eyes Concerning the Strange
and Iregular proceedings of Cap^t: James Carteret and Sev-

erall other persons pretending to Act as Deputies for the Country Wee Judge we are by all obligations and duty sworne to use our interest Care and Endeavour both by Our Advice to your Hon^{ts}. or any other ways prevent the Mischief feared and to redress what is already Illegally Acted. And altho to Sum persons it may Seeme no hard task to bring order out of this Confusion yet upon deliberate Consideration We finding no means to regulate these disorders without the Administration of Justice as well upon a person so Near related to one of y^e Hon^{ble} Lords Proprietors as others, whose Honn^d reputation and Interest together with the Peace of the Publick we had rather preserve with the Adventure of our Lives & Estate (which in this Juncture we hazard) then make use of such Administration and so bring a blot and Stayn on that Family; our humble request therefore is to your Honn^r that you would be pleased to Order your Affairs here so as that you may in your owne person Repair to England to Sir George Carteret to Acquaint his Honn^r fully of the State of the Affaires & Greivances of this Province, which we hope will produce his Commands upon his Son to desist from Such Irregularities & Ord^r him to proceed with other persons Concerned therein So Praying God to Direct you we take Leave and remaine

Yo^r Hon^{rs} Humble Serv^{ts}

WILLIAM PARDON	LAWRENCE ANDRES
JOHN BERRY	ROBERT VAUQUILLIN
SAMUEL EDSALL	JOHN BISHOP
JOHN PYKE	

Order Prohibiting the Exercise of any Authority in Bergen not Sanctioned by the Governor.

[From "East Jersey Records," Liber 3, p. 54.]

New Jarsey 17: June, 1672—

These are in his Maj^{ties} name to Will & require you that in case anie Writt or Writts should be sett up or otherwise

published within the Towne & Corporation of Bergen by or under anie other Authority then myselfe as yo^r Governo^r; that neither you nor anie other person within yo^r Jurisdiction yield anie obedience thereunto. But that yo^u forthwith pull downe all or anie such Writt or Writts or other Writeings so published and cause the same forthwith to be conveyd unto mee, as you will answer the contempt of this my especiall Warrant. Given under my hand and Seale the day and yeare above written.

[PH. CARTERET.]

Commission of Samuel Moore, from the Council of East Jersey, to Represent them in England.

[From "East Jersey Records," Liber 3 of Deeds, p. 121.]

MR SAMUEL MOORE,

Haveing comitted the Management of o^r Complaints and Adresses to ye Lords proprietors about ye Emergent and Waighty affaires of this provience unto o^r horn^d Governo^r Phillip Carteret Esq^r Wee under subscribed Doe order you according to the trust reposed in you to bee ayding and assisting to ye sd Governo^r in y^e managem^t & speedy dispatch of the premisses to the utmost of yo^r Capacity and power and in case of death sickness or any other thing that may prevent o^r Governo^r Acting Effectually herein, our order is that you Imediately with as much speed as may be make yo^r Adress unto the Lords proprietors of this Province for their speedy and Effectuall settlement of ye public affaires of the same, soe as to prevent the outrage of ill affected p^rsons w^{ch} tend only to unsettlement & Ruine, and to assure y^e honest and well affected Inhabitants of their Lives Liberties and Estates wthout Molestation or Interruption by violent and Irregular Means. The faithfull p^rformance whereof will much oblige yo^r friends and fellow sufferers in these public Distractions, Dated New

Jersey July the first 1672 and signed by. John Berry, John Pike, Samuell Edsall, John Bishop Robert Vauquellin, William Pardon & Lawrence Andrissen.

Address of the Council to the Lords Proprietors.

[From "East Jersey Records," Liber 3, p. 55.]

To the Right Hon^{ble} JOHN LORD BERKLEY Baron of Stratton & SIR GEORGE CARTERET Knight and Baronet the absolute Lords Proprietors of the Province of New Cesarea or New Jersey. The *Address* of us whose names are subscribed being of the Council of your Hon^{rs} Governor here—

HUMBLY SHEWETH. That whereas Several persons in this Province who have a Long time been discontented & Oposit unto the Governor & Government who have of Late by their plottings & Combinations so Carried matters that they have had such Influence into the Election of Deputies for the Assemblys as that there are such persons chosen as Deputies who having avoied taking the Oath of Assemblymen according to the Concessions, & have taken Liberty to differ from the Governor and Council in Establishing matters for the Peace and Settlement of the People, and have now At last disorderly Assembled and procured Cap^t James Carterett as their President, who Joyned with them in making disturbance in this Province, he taking upon him to head the said persons endeavouring not only to disingage the people subjection unto, but also opposing and abusing the Governor & Council, commanding their Obedience to himself by virtue of his Warrants which he puts forth in the King's Name for that end, & also Prohibiting such Officers as act by the Governo^{rs} Commission, and Commanding them wholly to cease acting in their offices untill they receive orders from himself; and unto such a hight hath he proceeded, that he hath Imprisoned Several persons, in p'ticular the Deputy Secretary,

for Executing his Office, who having by the Governor's order made an Escape out of his hands, we understand they have seized his goods, and the Like we Expect daily will be the Condition of all others that will not concurr with his Illegall proceedings, he giving forth Continual threatenings against those that doe not obey his orders and having persons adhering to him that probably will be ready to Execute his Will so as they may have the Plundering of o^r Estates, and all these proceedings be carried on with pretence that he hath Power sufficient he being Sir George Carterett's Sonn and that he himself is Proprietor and can put out the Governor as hee pleases and that his Father hath given him his part of the Province; although he doth not shew any grant or Commission or Legal Power to doe any such thing, but saith he Scorneth to Shew his Power to such fellowes as wee, neither need he so do do being on his own Land. And as for the Lord Berkley's part he saith that is but a small matter; so that pretending himself to be Proprietor his proceedings gives the greater hopes to his followers, and Consequently are the more dangerous as to your Honnour's Interest and the Inhabitants peace and safety, both in respect of Liberty and Estate, if not Life also, according as their Outrage may prevail: and those that doe not submit & yield Obedience to his Orders and Commands but doe appeare to be faithfull to your Honnours Interest and Government because of their Oath they have taken, they are in Continual Danger of being surprised and imprisoned by him; all which Actings of his do Evidently tend to the ruin of The Province as to your Honno^r Interest for either we must comply with him and his followers and their proceedings, who aim to get all into their own hands, or Else we must remove out of the Province, Except he doth prevent us by Casting us into Prison; and although hee be Sir George Carteretts Sonn, & for his Father's sake we Honour him accordingly, yet our owne reason doth persuade us to believe that his Hon^{ble} Father will never Countenance his son in such dis-

honorable unjust & Violent proceedings, which tends to nothing but ruin ; The Consideration whereof doth necessitate & imbolden us to Crave your Honor^m speedily to Contrive a sutable and Effectual means For the suppression of these Illegall and violent proceedings (the particulars whreof we leave to the Governor's Rellation) which tends so much to the Damage both of y^r Hon^m and y^e faithfull Inhabitants, & preventing them and others p'gressing in the settlement of the Province, Least the delay of Speedy remedy produce such sad Effects here as the Like Proceedings formerly did in the Lord Baltimore's Govern^{mt} in Maryland ; one way to prevent which, the Governor with our advice hath resolved formally to wait upon your Honn^m thereby to Endeavour the Curing this wound by speedy Medicine which delay may Cause to Gangrene, and to leave Cap^t John Berry his Deputy to officiate in his Absence.—And furthermore if it may please your Honn^m to Favour us so far as that we may suggest unto your Honnours a word or two which tendeth to remove an Impediment as unto those that desire to Come to Settle in this Province, and also save Discouragements which is upon the Spirits of your faithfull Inhabitants, that doe willingly Comply unto your Honnours Concessions ; namely, that your Honnours be pleased to Confirm these Charters and Pattents already granted by our Governor and his Councill, and also Whereas the Concessions require one half penny p^r acre in Currant Money of England, That your Honnours be pleased to signify under your hands your Acceptance thereof in such Pay as groweth in the Country at Merchant's price ; all which being favourably Effectted we humbly Conceive will much tend to the Settlement of the People and Prosperity of the Province ;—Craving pardon for our boldness we beseech the God of Wisdom to Give your Honnours a Spirit of discerning to see where Integrity and faithfullness are fixt and where private designs are driven at that you may Administer that which is Just and Equal to all, Encouragement to those that merrit it and Reproof

to Evil doers. We wish your Honnours peace and prosperity in this Life and Glory in that to come & subscribe—
Yo^r Honno^rs faithfull & humble servants—

William Lardon Laurous Androp
 John Berry John: Bishop:
 Samuell Edfall John Hoile
 Robert Saagrotter

Province of New Jersey July 1st 1672

Letter from the Duke of York to Governor Lovelace.

[From "Grants and Concessions," p. 31.]

Copy of His Royal Highness the Duke of York's
Letter to Colonel LOVELACE.

COLONEL LOVELACE,

I Did in the Year 1664 by Deed under my Hand and Seal of the 24th of *June*, for the Consideration therein mentioned, Grant unto JOHN LORD BERKLEY, of *Stratton*, and Sir GEORGE CARTERET, Knight and Baronet, their Heirs and Assigns, all that Tract of Land adjacent to *New-England* to go Westward of *Long-Island* and *Manhatans Island*, as the same is Bounded and set forth in and by the said Deed, with all Appurtenances whatsoever to the said Lands and Premises belonging, in as full and ample Man-

ner as the same is Granted unto me by His Majesty's Letters Patents, under the Great Seal of *England*, Bearing Date the 12th Day of *March*, in the 15th Year of His Majesty's Reign; of which said Premises they were actually possessed by Virtue of an Indenture of Lease by me made unto them, all which hath been sufficiently notified in those Parts; both by the said Grantees publicly pursuing the End of the said Grant, and by my Letters of the 28th of *November* 1664 to Colonel *Nicholls*, then Governor of my Territories in *America*, signifying the same to him, and requiring him and all others therein concerned, to yeild their best Assistance in the quiet Possession and Enjoyment of the Premises to all such Persons as my said Grantees should at any Time appoint, and Authorize to negotiate their Affairs in those Parts.

NEVERTHELESS I am informed that some contentious Persons there, do lay Claim to certain Tracts of these Lands, under colour of pretended Grants thereof from the said Colonel *Nicholls*, namely one of the first of *December* 1664 to *John Baker* and his Associates; and another of the 8th of *April* to *William Golding* and his Associates; both which Grants (being posterior to my said Grant of the 24th of *June*) as I am informed are void in Law, and therefore I would have you take Notice yourself, and when Occasion offers, make known to the said Persons, and to all others, if any be pretending from them, that my Intention is not at all to countenance their said Pretentions nor any other of that kind, tending to derogate in the least from any Grant abovementioned to the said JOHN LORD BERKELEY and Sir GEORGE CARTERET, their Heirs and Assigns; and they my said Grantees, having promised to give effectual Directions to their Deputies and Agents there to be assisting to you, I do desire you, and all others herein concern'd, in like manner effectually to assist them in furthering the Settlement and maintaining the quiet of these Parts. Your Loving Friend JAMES.

Whitehall 25th of *November*, 1672



*The Lords Proprietors' Declaration of the True Intent
and Meaning of their Concessions.*

[From "Grants and Concessions," p. 32.]

A DECLARATION of the true intent and Meaning of
us the LORDS PROPRIETORS, and Explanation of
there Concessions made to the Adventurers
and Planters of New-Caesarea or New Jersey.

I. THAT as to the 6th Article, it shall be in the Power of the Governor and his Council to admit of all Persons to become Planters and free Men of the said Province, without the General Assembly; but no Person or Persons whatsoever shall be counted a Freeholder of the said Province, nor have any Vote in electing, nor be capable of being elected for any Office of Trust, either Civil or Military, until he doth actually hold his or their Lands by Patent from us, the Lords Proprietors.

II. As to the 8th Article, it shall be in the Power of the Governor and Council, to constitute and appoint such Ministers and Preachers as shall be nominated and chosen by the several Corporations, without the General Assembly, and to establish their Maintenance, giving Liberty besides to any Person or Persons to keep and maintain what Preachers or Ministers they please.

As to the General Assembly.

I. THAT it shall be in the Power of the Governor and his Council to appoint the Times and Places of meeting of the General Assembly, and to adjourn and summon them together again when and where he and they shall see Cause.

II. To the *Third*; That it is to be understood, that it is in the Power of the Governor and his Council to consti-

tute and appoint Courts in particular Corporations already settled, without the General Assembly ; but for the Courts of Sessions and Assizes to be constituted and established by the Governor Council and Representatives together : And that all Appeals, shall be made from the Assizes, to the Governor and his Council, and thence to the LORDS PROPRIETORS ; from whom they may appeal to the KING, and that no more Corporations be confirm'd but by or with the special order of us the LORDS PROPRIETORS.

III. To the ninth Article: That the Governor and his Council may dispose of the Allotments of Land to each particular Person, without the General Assembly according to our Directions, as he and they shall think fit.

Concerning the Governor.

I. As to the second and third Article ; all Officers Civil and Military (except before excepted) be nominated and appointed by the Governor and Council, without the General Assembly, unless he the said Governor and Council shall see occasion for their Advice and Assistance.

II. As to the fourth Article, in case of foreign Invasion or intestine Mutiny or Rebellion ; it shall be lawful for the Governor and his Council to call in to their Aid, any Persons whatsoever whether Freeholder or not.

III. THAT in the Sixth Article, concerning the regular laying out of Lands, Rules for Building each Street in Townships, and Quantities of Ground for each House Lot, the same is left to the Freeholders or first undertakers thereof, as they can agree with the Governor and Council, and not to the General Assembly, but to be laid out by the Surveyor General.

IV. THAT all Warrants for Lands not exceeding the Proportions in the Concessions, being only sign'd by the Governor and Secretary shall be effectual in Case his Council or any Part of them be not present.

WE the LORDS PROPRIETORS do understand that in all

Generall Assembly's, the Governor and his Council are to set by themselves, and the Deputies or Representatives by themselves, and whatever they do propose to be presented to the Governor and his Council, and upon their Confirmation to pass for an Act or Law when Confirm'd by us. WITNESS OUR Hands and Seals the 6th Day of *December*, 1672.

JOHN BERKLEY.

G. CARTERET.

The Declaration of the Lords Proprietors to the Inhabitants of New Jersey.

[From "Grants and Concessions," p. 35.]

The Declaration of Us the LORDS PROPRIETORS of the Province of New-Cæsarea or New-Jersey, To all Adventurers, Planters, Inhabitants, and all other Persons to whom it may Concern within any Town and Plantations in the said Province.

WE being made very sensible of the great disorders in the said Province occasioned by several Persons, to the great Prejudice of ourselves, our Governor and Council, and all other peaceable and well minded Inhabitants within our said Province, by claiming a Right of Propriety both of Land and Government.

I. WE do therefore hereby declare, that all Lands granted by our Governor to the 28th of *July* 1672, and confirm'd in our Names by Patents or Charters upon Record in our Secretary's Office, and under our Province Seal, sign'd by him, and the Major Part of his Council, shall remain to the particular Owners thereof, their Heirs &c. for ever, with all the Benefits, Proffits and Priviledges therein contain'd, they performing what they are obliged unto in every of the said respective Patents or Charters.

II. FOR such as pretend to a Right of Propriety to Land and Government, within our Province, by virtue of any Patent from Governor Colonel RICHARD NICHOLS, as

they ignorantly assert, we utterly disown any such thing. A Grant they had from him upon such Conditions which they never perform'd: For by the said Grant they were obliged to do and perform such Acts and things as should be appointed by His Royal Highness, or his Deputies; the Power whereof remains in us by Virtue of a Patent from his said Royal Highness, bearing Date long before these Grants; which hath been often declared by our Governor (and now ratified and owned under the sign Manual of his said Royal Highness to Colonel LOVELACE, bearing Date the 25th of *November* 1672) who demanded their submission to our Authority, and to Patent their Land from us, and pay our Quit Rent according to our Concessions; which if they had done, or shall yet do, we are Content that they shall enjoy the Tract or Tracts of Land they are settled upon, and to have such other Priviledges and Immunities as our Governor and Council can agree upon; but without their speedy compliance as above said, we do hereby Order our Governor and our Council to dispose therefore in whole or in part, for our best Advantage to any other Persons. And if any Person or Persons do think they have injustice or wrong done by this our positive Determination, they may address themselves to the KING and Council; and if their Right to that Land or Government appears to be better than ours, we will readily submit thereunto.

III. OUR Order is, that those Persons that were the chief Actors in attempting the making an Alteration in our Government, be proceeded against according to a Declaration of our Governor and Council, bearing Date the *Twenty-Eighth* Day of *May* 1672, except they shall immediately upon Publication hereof make their Addresses to our Governor and Council for remission of their Offences. And that all Persons that have sustain'd any Loss or Damage by maintaining our just Right and Interest since the 26th Day of *March* 1672 may have Reparation in Law, with their Charges they have and shall be at in any Court

or Courts within our said Province, that are or shall be constituted and commissioned by special Commission from our Governor, according to a declaration by our Governor and Council bearing Date the *Third* Day of *April* 1672.

IV. THAT all Grants of Land, Conveyances, Surveys or any other Pretences, for the Hold of Land whatsoever within our said Province, that are not derived from us, according to the Prescriptions in our Concessions, and entered upon Record in our Secretary's Office in our said Province, we declare to be null and void in Law.

V. THAT the Constable of every respective Town within our Province, shall have Power by Warrant from our Governor to take by way of distress from every individual Inhabitant within their respective Jurisdictions, their just Proportion of Rent due to us yearly, beginning the 25th Day of *March* 1670, and for his Charge and trouble about the same, if they refuse to deliver it in at some convenient Place, which the said Constable shall appoint within their respective Jurisdictions, by the 25th Day of *March* Yearly, the Constables only to be accountable to our Receiver General: And altho' our Concessions say it shall be paid in current or lawful Money of *England*, yet at the request of our Governor and Council, we shall accept of it in such Merchantable Pay as the Country doth produce at Merchants Price to the value of Money Sterling, and if by this Means we cannot obtain our Rent, then the Marshal of the Province shall be impowered as abovesaid, to Collect the same at the charge of such the Inhabitants as do refuse to pay at the Time and Places as aforesaid.

VI. THAT all Matters and Causes which have been tried in our Province by special Commission from our Governor, upon which Judgment hath pass'd according to Law, be allowed by us and be forthwith put in Execution. WITNESS our Hands and Seals the 6th Day of *December* 1672.

J. BERKELEY, [Seal.]

G. CARTERET. [Seal.]

*Letter from Lords Berkeley and Carteret to the Governor
and Council of New Jersey.*

[From "East Jersey Records," Vol. II., Liber 3, p. 64.]

To our Trusty and well beloved our Governor and
Councill of New Jersey

WHEREAS wee have Received a Complaint made by M^r
William Pardon,¹ our Deputy Secretary of our said Province of Several Indignities Losses and Injuries donn unto him by William Meaker Constable of Elizabeth Towne and his Assistance Contrary and against the Lawfull Authority Settled by us *Therefore* these are to will and require you to doe the said William Pardon Justice and that he may have due Satisfaction for the Losses and Injuries donn him of the said William Meaker his Assistants and all others, therein Concerned or by either of them according to Law. Given under our hands at Whitehall the 6th day of Decemb. 1672.

JO: BERKELEY

GEO CARTERET

*Grant from the Lords Proprietors to the Officers and
Freeholders of Woodbridge, and to Samuel Moore.*

[From the Original in New Jersey Historical Society Manuscripts.]

To our Governo^r & Councill as also to y^e Receiv^r Gen^lall
of o^r Prouince of new Cesarea or new Jersey.

Wee doe hereby signifie vnto you or either of you, that
it is our good will and pleasure to manifest our grace &

¹ WILLIAM PARDON was one of Governor Carteret's Council, and, as its Assistant (or Deputy) Secretary attained considerable notoriety by retaining in his possession some documents which were called for by the Assembly. He was arrested by order of Captain James Carteret, then in power, and his property confiscated. He fled to England, but returned in 1672, bringing this letter with him. In accordance with its tenor, under date of July 21st, 1674, he received a grant of 500 acres of land, ["East Jersey Records," Vol. II., Liber 3, p. 113.] as partial remuneration for his services, and was appointed Receiver General. ED.

bounty vnto y^e Justices Magistrates & freeholders of y^e towne & Corporac'on of Woodbridge in y^e prouince abouesaid so farr foth as to giue vnto them one third part of y^e high or quitt rents due vnto vs our heires: or success^{rs} for seuen yeares next to come from y^e date hereof after w^{ch} time of seuen yeares they y^e s^d Corporac'ons or township are to pay the full proporc'on of rent to vs o^r Heires and assignes according to their Charters and Pattents.—

Wee doe further order you o^r Gov^rno^r and Councill or Receiv^r Gen^ll to pay vnto Samuell Moore of Woodbridge or his order for vs out [of s^d] Quitt rents yearely for y^e space of seuen yeares next to come from y^e date hereof the summ of tenn pounds yearely, the w^{ch} wee will allow of.

And wee Likewise p^mitt you to graunt vnto Samuell Moore abouesaid yo^r warrant ffor him to take vp Sixty acres of Vpland for each head that properly belongs to him (besides such hee hath already taken vp for) although they are not of age according to y^e Concessions wth y^e Marsh and Meadow ground adioyning thereunto, and if no Marsh or meadow be adioyning hee may haue Liberty to take so much neerest adiacent thereunto as is allotted to y^e proporc'on of Vpland according to your discretion and when Surveyed to graunt him a pattent for y^e same hee paying o^r Quitt rent

Giuen vnder our hands and Seales at Whitehall y^e 7th day of December 1672

JO BERKELEY [*Seal.*]

G: CARTERET [*Seal.*]

*The Lords Proprietors to the Governour and Council of
New Jersey.*

[From "Grants and Concessions," p. 37.]

Directions for the Governour and Council of New-
Cæsarea or New-Jersey.

THAT the Land is to be purchased by the Governour and Council from the Indians, in the name of us the LORDS

PROPRIETORS, and then every individual Person is to reimburse us, at the same Rate it was Purchased.

THAT We the LORDS PROPRIETORS will build a Prison and a House for the Keeper at our own proper cost and charges, out of the Product of the Quit-rents, where the Governor and Council shall think fit, and that we will send over Guns and Ammunition as a Magazine, but all other Charges are to be defray'd by the Country; and that all Writs be Issued in his Majesty's Name, except the Summoning of Burgesses, which is to be in our names.

THAT in Case of Appeals, the Appealant if cast upon his Appeal, for *England*, shall pay as a fine to the Judge, *Twelve Pounds* besides all Costs and Damages, and to give in Security in *One Hundred Pounds* there, for the Prosecuting the same within eight Months.

THAT all Strays of Beasts by Lands, and Wrecks at Sea, belong to us the LORDS PROPRIETORS, and that all Persons that shall discover any such thing, shall have such satisfaction for their Pains and Care, as the Governor and Council shall think fit.

THAT the Arrears of the Quit-rents of *Elizabeth-Town, Newark, Piscataquay*, and the two Towns of *Navesink*, and all others that have not paid since the Year 1670 be paid to our Receiver General in three Years from 1673, at the rate of One Halfpenny a Year for every Acre, besides their growing rent, until their Arrearages be satisfied and paid.

THAT as to the Maintenance of the Governor, we hope that the Country, according to the Concessions, will take into their Consideration. GIVEN under our Hands and Seals at *Whitehall*, the Seventh Day of *December*, Anno Domini, 1672.

J. BERKELEY, [Seal.]

G. CARTERET. [Seal.]

*Letter from King Charles II. to Captain John Berry,
Deputy Governor, and to the Council of New Jersey.*

[From "Grants and Concessions," p. 38.]

CHARLES, R.

TRUSTY and well beloved, we greet you well. Having been informed that some turbulent and disaffected Persons, living and inhabiting within the Province of *Cæsarea* or *New-Jersey*, (the Propriety whereof we have granted to our right, trusty and well beloved Councillors, JOHN LORD BERKELEY of *Stratton*, and Sir GEORGE CARTERET *Knight* and *Baronet*) do refuse to submit and be obedient to the authority derived from us, to the said Lord BERKELEY, and Sir GEORGE CARTERET as absolute PROPRIETORS of the same, to the great Prejudice of the said LORDS PROPRIETORS, the disturbance of the Inhabitants, and hindrance of the whole Plantation there design'd. We do therefore hereby require you in our name, strictly to Charge and Command all Persons whatsoever inhabiting within the said Province, forthwith to yield Obedience to the Laws and Government there settled and established by the said LORDS PROPRIETORS, having the sole Power under us to settle and dispose of the said Country, upon such Terms and Conditions as they shall think fit, and we shall expect a ready Compliance with this our Will and Pleasure from all Persons whatsoever, dwelling or remaining within the aforesaid Province, upon Pain of incurring our high displeasure, and being proceeded against with due severity according to Law, whereof you are to give publick Notice to all Persons that are or may be concerned, and so we bid you farewell. GIVEN at our Court at *Whitehall* the 9th Day of *December* 1672, in the *Twenty fourth* Year of our Reign.

By his Majesty's Command,

HENRY COVENTRY.

*Letter from the Lords Proprietors to Deputy Governor
Berry and his Council.*

[From "Grants and Concessions," p. 39.]

Whitehall, the 10th December, 1672.

WE hope as soon as this comes to your Hands, and that you have perused these Papers, which we have sent by Mr. *Moore*, the turbulent Spirits in that Province will not continue any longer in their obstinate and wonted extravagancies, but will be satisfied with his Royal Highness's Letter to Colonel *Lovelace*, whom we desire you to assist on all Occasions, the Copy of which Letter this Bearer brings with him to deliver unto you, and when receiv'd we desire you to publish the same, with all other Orders from us to the several Inhabitants, that they may be inform'd of their mistakes, and how they have been mislead, for you will find his Royal Highness doth declare, that the Grants of Colonel *Nicholls* is Posterior to our Patent, and therefore both in law and equity the right is solely in us, and upon that account we have sent over our Determinations concerning the Hold of Lands; as also our Interpretation of some Articles in our Concessions, according to which we desire you to act, and not to reside from any of them. As for Mr. *Bollen*, we desire you to order our Receiver General to pay him out of our Quit-Rents, the Sum of *Ten Pounds* Yearly, for two Years from the Date hereof. You will receive some Law Books, to which you may apply yourselves upon all occasions, and you shall not want any Encouragement from us that may contribute to your Prosperity and Welfare, not doubting but that you will discharge the trust reposed in you, with as much Candour and Integrity for the Maintainance of our just Rights and Intent as we desire to remain,

Your very Loving Friends

J. BERKELEY.

G. CARTERET.

*Letter from the Lords Proprietors to the Pretended
Representatives of New Jersey.*

[From "Grants and Concessions," p. 40.]

To the pretended Representatives of ELIZABETH-
TOWN, NEWARK, and NEW-PISCATAWAY, and
all others whom it may Concern

WE have received a long Petition from you, and of no Date, yet out of a tender care we have of your pretended Greivances and Complaints, have examined some particulars thereof, the Governor and Mr. *Bollen* being now in Town, yet we are very ready to do you all the Justice you can expect, tho' you have been unjust to us, by which means you have brought a trouble upon yourselves, and if you will send over any Person to make good your Allegations in your Petition, (while the Governor is here) we shall be ready to hear all Parties, and incline to do you right, altho' you have not had such a tender regard of our concerns in those Parts, as in Justice and Equity you ought to have had: And we do likewise expect for the future you will yeild due obedience to our Government and Laws within the Province of *New-Cæsarea*, or *New-Jersey*, and then we shall not be wanting to manifest ourselves according to your Department, Dated this 11th Day of *December*, 1672.

Your Loving Friends,

J. BERKELEY,
G. CARTERET.

Titles to Plantations Between Oldman's Creek and Salem.

[From "Pennsylvania Archives," Vol. I., p. 31.]

Coppies of The Seaverall Evydences by w^{ch} y^o

Inhabitants claime their Seaverall and respective plantacons between Oldmans Creeke and Salem.

By John Berry, Esq^r, Deputie Gov^rno^r of y^e Province of New Cæsaria or New Jersey, and his Councill.

WEE, John L^d Berkeley, Barron of Stratton, and S^r George Carterett, K^t and Baronett, the absolute L^{ds} Proprietors of the P^rvince of New Cesaria or New Jersey, Have given and granted, and by these p^rsents doe give and grant vnto James Bollen, of the said P^rvince Secretary, A Certain Neck of land, lying and being on the East side of Delaware river, Over against Christany-Creeke, known by the name of Swart-hooke, With all the Vpland, Meadows, Woods, fields, pastures, Marishes, Rivers and rivollets, together wth all the gains, profitts and all other the appurtenances there unto annexed and apperteyning, conteyning as it is to be Surveyed, Butted and bounded by the Survey^r. Gen^l, five hundred and forty acres, English measure. To HAVE AND TO HOLD to him, the s^d James Bollen, his heirs, Ex^{trs}, Adm^{trs}, or Assignes for ever, after the man^r of East-Greenwich, in free and Common Soccage. YEILDING and paying to the s^d Lords Proprietors, their heirs or assignes on every 25th day of March, one half-penny, yearly, for every one of ye s^d Acres herein conteyned, the first paym^t whereof to begin in ye yeare of o^r L^d 1675. Given vnd^r ye Seale of ye Province ye 6th day of June, Anno 1673, and in ye 24th yeare of his Maj^{ties} Reigne Charles ye 2^d, &c.

JOⁿ. BISHOP,

JOHN BERRY,¹

LAURENCE ANDRESSE,

W^m. SAUNDFORD,

W^m. PARDON.

By ord of ye Deputy Gov^r and his Councill.

JA. BOLLEN, Secretary.

¹ John Berry was at that time acting as Deputy Governor, under an appointment from Governor Carteret, who had gone to England, in July, 1672, to confer with his superiors upon the affairs of the province. See "East Jersey Under the Proprietary Governments," 2d Edit., p. 69, Ed.

The said Lands were assigned over to Justa Address,
And by Justa Assigned to Henry Jeans, ye p'sent Occu-
pant.

CANTWELL AND JOHANNES DEHAES, INDIAN PUR-
CHASE.

WEE, Sospaninck and Wicknaminck, the naturall inhab-
itants of this Province of New Jersey, &c.; doe declare to
have Sold for o'selves and o'r heirs vnto Mr. Edmund Cant-
well & Mr. Johanes Dehaes, o'r Creeke or Kill, called Meg-
kerk-sipods, w^{ch} is called in Dutch the land on the South-
side of Jeremias's Kill, as far as the Finns-Creeke along
the River; ffor w^{ch} we doe Acknowledge to have rec^d one-
halfe Anker of Drinke, two Match-coates, two Axes, two
barrs of Lead, four hand-fulls of powd^r, two knives, some
painte; and therefore we doe hereby dissist off the same
land, and doe declare that we have no further or future
p'tence on the same. Signed by us this 8th of ffeb^r, 1673,
On the Plantacon of Fopp Johnson-Outhout, in the Pvince
of New Jersey, in Delaware river.

Witnesses p'sent,
PETER JEGOU,
ANTHONY BRYANT,
FOPP OUTHOUT.

TOSPUMINCK,
WEINAMINK.

CANTWELL & }
Jo: DEHAES. } PROVINCE OF NEW JERSEY.

THESE are to Certifye all whom it may concerne, y^t on
the 20th of July, 1672, I did give and Grant unto Cap^{tn}e;
Edmund Cantwell & M^r. Jo: Dehaes a Tract of Vpland &
Meadow or Marish in pporcon, (lying & being on y^e East
side of Delaware-river, next adjoining to the Finns land at
Pompion-hooke,) conteyning 700 acres, vpon Condicon
y^t they should purchase y^e same from the Indians and setle
it, w^{ch} they having pformed accordingly was to haue a
Patent for it; But my absence, being in England, and the

coming of y^e Dutch did hinder the Patening of it: Notwithstanding there is an Alteracon since by my L^d: Berkeleys disposing of his interest to y^e pte of y^e Countrey, yet the s^d: Cantwell & Dehaes ought to enjoy the land as being pperly their own Lott, by pmise from me and the purchassing it from the Indians, paying the L: Quitt-Rent a halfe penny p acre, w^{ch} said Tract of land is Butted and bounded as followeth. Beginning at a marked white-Oake standing in a Bâÿ by the Riverside, being a bounded tree of the s^d Finns-land & running wth the s^d Land East-North-East 320 pearches, to a marked Red-Oake standing neare the head of Cantwells-Creeke, and from the s^d Oake wth a lyne drawne paralell wth the Finns head-lyne South-South-East 160 pearches, to a marked Red-Oake standing in the said lyne by a Swamp-side & from the s^d Oake wth a lyne drawn East-North-East 160 perches to another marked Oake, & from thence North-North-West 160 pearches, then West-South-West 160 pearches to the s^d Red-Oake at the head of Cantwells-Creek, and from thence wth a lyne drawn North and by West, to a marked Red-Oake standing vpon a pointe at the mouth of the s^d Creeke 320 pearches, and from the s^d Oake down the River to the First bounded Tree; bounding on the West with the River, On the South-West wth the Finns-land, On the North wth Cantwells Creeke conteyning 700 acres of land and a proporcon of Marish thereunto adjoyning. IN WITNESSE whereof I have hereunto set my hand and seale at Elizabeth-Towne y^e 22^d day of 8^{ber}, 1675.

PHILLIP CARTERETT.

By the Gov^rno^rs ord^r,

JAMES BOLLEN, Secretary.

AN ANSWER TO CAPT^{NE}: CANTWELL & JO: DEHAES APPLICATION FOR A
PATENT FOR Y^E WITHIN MENTIONED LANDS.

Haueing heard some Rumor y^t my L^d: Berkeley hath disposed of his right to some other psons, y^t it is approued of by the Duke, I forbear to giue a further grant or Patent till the contrary be knowne; But doe Recommend

Cap^{tn}. Cantwell & M^r Dehaes Right, to the Justice of Such, whom it may concerne to confirm their title. Given vnd^r my hand in New-Yorke this 22^d day of 7^{ber}, 1676.

ANDROSS.

FOPP OUTHOUT'S PERMITT.

Permission is hereby granted to M^r: Fopp Outhout for to take vp a certaine peice of land for himselfe & his heires, lyeing in the woods Joyning vpon the Marish or Valley haueing on the North-West-Side Pompion-hooke, and stretching on the North-East-side to the Fish-Creeke or Kill, and into the woods as ffarr as the Indians haue mark't the same, wth above s^d peece or peel of land is granted vnto him to take vp, he paying the Indians and Seating the same according to the ord^r of his hono^r the Governo^r Gen^l. for wth [w^{ch}?] a patent shall be granted Given vnd^r my hand in New Castle in Delaware river in the New-Netherlands this 24th of March, 1674.

Subscribed by PETER ALRICKS.

MATH: D. RING, Clerke.

SURVEY.

JUNE, y^e 12th, 1675.

Layd out for ffopp Johnson Outhout a peel of land called Goodland, lyeing in New-Cessaria on the Eastern-side of Delaware-river, neare the Finns at Pompion-hooke, Beginning at A marked Hickery-tree by a Marish-side and running from thence for breadth, West 150 pearches to a mark't Oake, And from the said Oake by a lyne drawne North for length bounded wth a Swamp & from the said Oake wth a lyne drawne East 150 pearches to a marked white-Oake, wth a lyne drawne South 300 pearches to the first mark't Hickery-tree, conteyning 300 acres.

Ⓕ me, HEN: PARKER, Survey^r.

JOHN HENDRICKSON, } Permission is hereby granted
 at One-tree-hooke. } vnto John Hendrickson to take
 vp one peece of land on the East-side of this River, to
 begin on the East-side of a Small Creeke or gutt on this
 side the Single-tree, and North-East along the river to the
 first Creeke, As well Meadow as wood-land, and streatching
 South-East into the woods, he paying the Indians and
 Seating and Improving the same according to the ord^r of
 the Right hon^{ble} Gov^r: Gen^l: for wth, [w^{ch}?] then a Patent
 will be granted. ACTUM in New Castle this 28th day of
 June, 1674. Signed by PETER ALRICKS.

INDIAN PURCHASE.

Know all men by these p^rsents, That I, Osawath, Sole
 Indian own and pprieto^r of Certaine two Necks or points
 of land, lying and being in this River of Delaware, and on
 the East-side thereof over ag^t the Bou^te aboute Verdrick-
 teige-hooke, the same being called & known (by the
 Xpians) Singletree, or Enboome, and by the Indians Emai-
 jens, ffor & in Consideracon of two Match-coates, two
 Guns, two Kettles, two Axes, two knives, two Hoes, two
 Looking-glasses, two double hand fulls of powder, two
 halfe-Anckers of strong-liquors, two halfe Anckers, of
 Strong-beere, two Auls, two barrs of Lead, & two Needles,
 before the signing and delivery hereof, to me in hand paid
 by John Hendrickson & Peter Hendrickson, both of Dela-
 ware-river, Husbandmen, as also for divers other good
 and weighty reasons and Consideracons, me, the s^d Osa-
 wath, thereunto especially moveing, HAUE given, granted,
 bargained, sold, assigned, Transported and made over, and
 by these p^rsent doe, givè, grant bargaine, sell, assigne,
 Transport and make over vnto them, the s^d John Hen-
 drickson & Peter Hendrickson, their heires and assignes,
 the above menconed two peells or necks of land, wth the
 Marishes therevnto adjoining, the s^d land by these p^rsents
 sold, lyeth between two Small gutts or Run's, and streatches

into the woods as far as the great Swamp or Cripple w^{ch} backs the said two Necks of land ; To HAVE & TO HOLD the said two peells or Necks of land, Marishes & p^rmises, wth all and singular the appurtenances, as also all the right, title and interest of him the said Ossawath, the right Indian Owner or Pprietor therein, vnto the s^d John Hendrickson and Peter Hendrickson, their heires and assignes, forever. IN WITNESSE and confirmacon whereof, the s^d Ossawath hath hereunto set his hand and seale, at Vpland, in Delaware river, this 10th day of June, An^o Dom., 1675.

OSSAWATH.

Signed, Sealed & Delivered in y^e p^rsence of
 ISRAELL HELM, Interpreter,
 Jo: DHAES,
 JOHN JOHNSON.

LUCAS PICTOR HIS PERMIT.

WHEREAS M^r Lucas Pictor hath requested my leave for the purchasing of a certaine neck of land (over ag^t Christeen-Kill) from the Indians lyeing and being on the East-side of Delaware-river, wthin this Governmen^t, wth an intent to plant and inhabit the same.

These are therefore to pmit and suffer the said Lucas Pictors, to purchase the said land from the Indians vpon Condition that he shall doe and pforme all such Acts and things as are conteyned in the s^d Pproprietor^s Concessions, and be conformable and Obedient to y^e lawes of the s^d Province. GIVEN vnd^r my hand and Seale of y^e Pvince the 10th day of 7^{ber}, 1668. PHILLIP CARTERETT.

LUCAS — HIS INDIAN PURCHASE.

WEE, Kerpenning & Mattien-meke, Brothers, together declare and know to have Sold to Lucas Pictors alis Peter-son all that Tract or peel of land, that he without hindrance may live upon, lying upon the South Side of Swart-hooke

& upon the North side of y^e land of Mattys Mattsey, & for a good Consideracon of goods. WITNESSE o^r mark.

KORPENNING, his mark.

MATTIEN-MEKE, his mark.

present—fopp OUTHOUT.

MICHAEL LECROA'S ASSIGNMENT FROM ISAAC TAYNE.

TO ALL PEOPLE to whom this p^rsent writing shall come, Isaac Tayne alis Lapier of New-Castle, in Delaware, Sendeth Greeting : KNOW YEE that I, the said Isaac Tayne, for a valuable Consideracon, before the signeing and delivery hereof, to me in hand paid by Michael Lacroa also of Delaware river, whereth I hold and Acknowledge myselfe fully satisfied, contented and paid, And therefore doe by these p^rsents acquit, exonerate and discharge the said Michaell Lacroa for y^e same ; Haue Given and granted, bargained sold, enfeoffed, assigned, Transportéd and made over, and by these presents, doe fully and clearly and absolutely give, grant, bargain, sell, Transport, enfeoffe, assigne, and make over vnto the said Michael Lacroa, Senjo^r, his heires and assignes, the Moiety and equal just halfe part of a Certain parcel or Tract of land and Marish, (That is to say), the Easter-most halfe lying next vnto the land of fopp Johnson Outhout, the said land is Scituate, lyeing and being on the East side of Delaware-river, Opposit to the towne of New-Castle, the whole Tract of land (whereof Michael Lecroa is to have the halfe) is bounded on the West wth the river, On the East wth a Creeke, w^{ch} divided this land from the land of Fopp Johnson Outhout, on the South-West with another Creeke, w^{ch} divideth this land from the land of Cap^{ta}ine Edmund Cantwell & M^r Jo: Dhaes, & on the South-East with the woods, w^{ch} said land was granted to me, the said Isaac Tayne, by Governo^r Phillip Carteret, as by the Grant, vnd^r the hands & seale of the said Carteret, bearing Date the 24th day of June, 1666, and the Indian purchase, bearing date the 20th day of July, 1666,

more at large may and doth appeare. To HAVE AND TO HOLD the moyety or halfe part of all the afores^d Lands and premises wth all and singular the appurtenances; As also all the right, title and interest of me the said Isaac Tayne therein, & to the said Michaell Lecroa, his heires and assignes viz: the sole and pper Use and behoofe of him the said Michaell Lecroa, his heires and assignes forever. And he the s^d Lecroa, his heires and assignes, shall and may, from henceforth for ever, more peaceably & quietly have, hold, occupie possesse & enjoy the said Moyety of land and premises wthout the lett or interruption of him the said Isaac Tayne, or any other pson or psons whatsoever, Clayming by or vnd^r him. IN WITNESSE whereof, the said Isaac Tayne hath herevnto set his hand and seale at New-Castle, in Delaware, this 15th day of 9^{ber}, in the 28 yeare of his Maj^{ties} Reigne, Ano^o Dom., 1676. ISAAC TAYNE.

Signed, Sealed & Delivered in y^e p'sence of

EP: HERMAN,
JO DHAES.

[*Note in the "Archives."*] I haue followed the method in the Original, though in some places Non-sense & false Orthography. J. N.

AS FOR JEAN PAUL JACQUET, who hath been dispossed of Some land on the East-side of Delaware-river, of w^{ch} he was in possession at y^e last coming in of the English Governm^t, he is to be repossed and yo^v are to take ord^r about it, And if Occasion the Command^r is to assist therein.

ANDROSS.

To y^e Command^r & Co^{rt}, at New-Castle, in Delaware.

THESE may Certify all whom it may concerne, that I, John Colier, Command^r in Delaware, on this day, the 20th of July, 1677, haue in my own pson been wth M^r: Jean Paul Jacquet on the East side of this River, vpon the Land of y^e S^d M^r: Jacquet, commonly called the Steen-

hooke, and have, put y^e s^d M^r: Jacquet in full and quiet possession of the Said land and premises, according to the above ord^r from the Gov^r. WITNESSE my hand in New-Castle, this 20th of July, 1677. JOHN COLIER.

[*Note here inserted in the "Archives."*] Noe other grant, permitt or Survey hath appeared to J. N.

By the Govern^r.

WHEREAS, I have rec^d. Several peticons and Complaints from Divers inhabitants on the East-side of Delaware-river, that have been disturbed in the lawfull possession of their lands and tenem^{ts}: there, by reason of Major ffenwick and others. These are to desire and Authorize yo^u, the Justice of the Court at New-Castle, to take care that the said inhabitants be not disturbed in their possession vpon any pretence whatever by the s^d Major Fenwick or others, and if Occasion to make me forthwth acquainted wth y^e same. GIVEN vnd^r my hand, in New-Yorke, this 28th of 8^{ber}, 1678.

ANDROSS.

Seaverall inhabitants (Dutchmen) have noe more than this to shew for their lands.

PROCEEDINGS OF A COURT AT SALEM, N. J.

At a Court held at New Salem, in y^e province of West-Jersey.

P ^r sent	{	Fopp Johnson	Edwd. Wade	} Com ^{rs}
		Wm. Penton	James Nevill	
		Edwd. Bradway.		

William Gill-Johnson desiring of y^e Court a grant of 100 acres of land lying over ag^t Hance-heers plantacon on the other side Virkins-kill als hogge-Creeke the Court granted the pet^{rs} Request, he Seating the same, according to the Chiefe Proprieto^{rs} Concessions, and pforming all Such Acts and things as shalbe thereby required, and to be subject and Obedient to the lawes of y^e s^d Province, &c.

Seauerall of y^e last mentioned pmits, were granted, but few or none Seated according to ord^r if any are seated; its a Question.

All the foremenconed lyes between Oldmans Creek and Salem Creeke, wth some others who have Nothing to show for their seating. Quit-Rent is all in Arreares.

Orders from Deputy Governor Berry and Council to the Inhabitants of the Several Towns to take out their Warrants, &c.

[From "East Jersey Records," Liber 3 of Deeds, p. 83.]

BY THE DEPUTY GOVERNOR AND COUNCELL

Whereas the Right hon^{ble} the Lords proprietors of this province have sett forth by their declaration bearing date the 6th day of Decemb^r 1672. th^t no person or persons whatsoever wthin this province shall be accompted a freeholder of this province, nor have any vote In election nor be capable of being Elected for any office of trust Either Civill or Military, untill he doth Actually hold his or their Lands pattent from them.

Wherefore wee have thought fitt and doe by these p^sents give notice to all Inhabitants of Newark, that they doe repaire to the Secretary and give in their proportion, for y^e obtajning of Warrants to the Survayer Generall, for the laying out butting and bounding of every mans quantity of Land that is to be allotted to him In Extent^e, or ye township In generall Within three Weeks after the date hereof, but iff already Surveyed, then to procure a Certificate thereof from the Surveyor Generall In order to the taking out their pattents With all the speed that may be, according to the manner and forme directed in the Concessions, by which means they Will be capable to chuse their representatives, that the affaires of the province may be the sooner and better settled, And whosoever shall neglect so

to doe, Within the tyme Limited as aforesaid, shall Loose the benefit of the Lords proprietors favor in the p^rmisses, and forfeit such Lands as they are settled uppon & pretend unto, to the Lords proprietors to be disposed of for their best advantage as the Governo^r and Councill shall think fit, according to the Tennor of the said Declaration, And least y^e Inhabitants should be tyed to a shorter tyme then the Surveyor Generall is Capable to p^rforme the Work in. Wee have thought fitt to Limit the tyme to each Towne after such a manner that it may be gradually performed: Dated at Newark 22th May 1673.—May

Another of the same Tennor for Pisquatiway within 5 weeks tyme:

Another of the same Tennor for Navesink wthin 8 weeks ¹

Another of the same for Elizabeth towne wthin 10 weeks, and one for Woodbridge wthin for delawarr 2 months after publication

BY THE DEPUTY GOVERNOR & HIS COUNCELL.

Whereas there is a declaration sett forth by y^e hono^{ble} the Lords p^roprietors of this province Dated the 6th Decemb 1672 thereby ordering that those persons which where the Chife Actors In Attempting the makeing an alteration in their Govenment shall be proceeded against according to a Declaration of the Governor, and Councill for Remission of their offences, And although wee did Reasonably Expect that the same would have bene (by way of petition) presented this Session & finding them slack and Remiss there In, Yett to publish to the World our unwillingnes to Employ Severity When other Meanes may be found as well to satisfy us, as to p^rforme the Commands of our Lords proprietors.

Wee doe hereby ord^r and appoint Tuesday the 10th day of June next Ensuing In Which wee shall be redy to

¹ This was not sent to Navesink, but retarded till another tyme according to the reference uppen their petition. [*Note from the Record.*]

Receive their Submission at the Towne of Bergen Where such as are Conscious of their offences may Repaire to Crave Remission And after that tyme to expect no favor but what the Law affords. Dated at Newark the 22 May 1673.

Nathan Gould's Account of Circumstances Leading to the Capture of New York.

[From "New York Colonial Documents," Vol. III., p. 200.]

INTELLIGENCE FROM NEW YORKE BY ONE FROM STANFORD.

August 8. [*Extract.*] This messenger reports . . . Also that the Sloope wherein were Cap^t James Cartwright & his wife were set ashoare in Virginia, But they brought M^r Hopkins wth the Sloope to the Mahatoos. Morouer this man saith that he stood at the Cabbin doore & heard the Generall demand of the M^r of the Sloope Samuella DAVIS by name what force they had at New Yorke & tould him if he would deale ffaithfully wth him he would giue him his sloope and Cargo againe; the said Sloopes Master replied that in the space of three hours the Governo^r Louelace could raise five thousand men & one hundred & fifty peice of Ordinance mounted fit for seruice upon the wall, upon this the Dutch Generall said if this be true I will giue you yo^r sloope & cargo & neuer see them. Then they enquired of one M^r Hopkins who tould them he thought there might bee betweene Sixty and Eighty men in the ffort, and in three or foure dayes time it was possible they might raise three or foure hundred men, & that there was thirty or thirty six peice of ordinance uppon the wall that a shot or two would shake them out of their Carriages then all they cry was for New Yorke, to which place they came, and this Captaine stood ther on the Deck and saw them land by the Governor's Orchard about six hundred men
 taken before me the date aboue said

NATHAN GOULD

Minutes of Council of New Netherland, 1673-1674.

[From "New York Colonial Documents," Vol. II., pp. 571-730.]

[*Extracts.*]

At a meeting of the Honorable Commanders Cornelis Evertse and Jacob Benckes and their adjourned Council of War, in the City Hall of the City of NEW ORANGE, this 12th of August, New Style, A^o 1673

PRESENT—Commander Corn. Evertse
 Commander Jacob Benckes
 Captⁿ Anthony Colve
 Captⁿ Nicolaes Boes
 Captⁿ Abram v. Tyll.

John Baker, Jacob Melyn, John Ogden, *cum sociis*, Deputies from the village of Elisabethtown, Niew-worke, Woodbridge and Piscatteway, situate in the Province heretofore called New Yarsey, praying, by petition, that they may be allowed to send some Delegates from their said villages to treat with the Admirals and associate Council of war respecting the surrender of their towns under the obedience of their High Mightinesses, the Lords States of the United Netherlands, and his Serene Highness, the Prince of Orange, and that no audience be granted to their late Governor, Capt. John Berry,¹ before and until the same be granted to the said Delegates &c.

Ordered. The Petitioners, namely the inhabitants of the villages of Elisabeths Towne Nieworke, Woodbridge and

¹ JOHN BERRY is first named, in connection with New Jersey, in 1669, as possessing an interest in lands between the Passaic and the Hackensack. He is presumed to have come to the Province from Connecticut, and probably some years previously, or he would not so soon have been taken into the Council. In 1673 he was left Deputy Governor, when Governor Carteret went to England. His authority was confirmed by the King, but Baker, Ogden and others, having always been opposed to the Proprietary Government, they were pleased to be able to thwart his influence with the Dutch. He continued to be one of the Council under the different administrations, until 1692, when, it is presumed, he died. ED.

Piscattaway, are hereby allowed to send their Delegates hither on next Tuesday morning, to treat with us.

Dated at the City Hall of the City of New Orange, this 12th August 1673. (Signed) CORNELIS EVERTSE, Jun^r,
JACOB BENCKES,

By their order (Signed) N. BAYARD, Secret^r

It is furthermore resolved by the Admirals and Council of War, and the following order is dispatched to the three remaining villages situate in said Province of New Yarsey :

To the Inhabitants of the Village of Bergen, and the Hamlets and Bouweries thereon depending :

You are hereby ordered and instructed to dispatch Delegates from your village here to us, to treat with us on next Tuesday, respecting the surrender of your town to the obedience of their High Mightinesses, the Lords States-General of the United Netherlands, his Serene Highness the Prince of Orange, or on refusal so to do, we shall be obliged to constrain you thereunto by force of arms.

Dated at the City Hall of the City of New Orange, the 12th of August, Anno 1673

(Signed) CORNELIS EVERTSE, Junior,
JACOB BENCKES

By their order, (Signed) N. BAYARD, Secret^r.

The Inhabitants of Middeltowne and Shrousbury, are hereby charged and requiered to send their deputys unto us on tuesday morning next, for to treat wth us upon articles of surrendring their said townes under the obedience of the High and Mighty Lords, the States-Generall of the united Provinces, & his serene Highnesse the Prince of Orange, or by refusall wee shall be necessitated to subdue the said places thereunto by force of armes.

Dated at New Orange, this 12th of August A^o 1673

(Signed) CORNELIS EVERTSE, Jun^r
JACOB BANCKES

At the Meeting of the Hon^{ble} Council of War, holden in Fort Willem Hendrick, on the 18th of August, Anno 1673.

PRESENT—Commander Jacob Benckes,
 Commander Cornelis Evertsen, Junior,
 Captain Anthony Colve,
 Captain Nicolaes Boes,
 Captain A. F. van Tyll.

The following Order was made :

On the petition of the inhabitants of the respective towns, viz : Elisabeths Towne, New Worke and Piscattaway, situated at *Achter Coll*.¹

The Commanders and Hon^{ble} Council of War having considered and read the Petition of the inhabitants of the villages of Elisabeths Towne New-Worke and Piscattaway, have ordered thereupon that all the inhabitants of those towns shall be granted the same Privileges and Freedoms as will be accorded to native born subjects and Dutch towns ; also the Petitioners and their heirs shall unmolested enjoy and possess their lawfully purchased and paid for lands, which shall afterwards be confirmed to them by the Governor in due form ; in regard to the bounds of each town, they shall hereafter be fixed by the Governor and Council ; in respect to impressment, none of the English nation shall, in time of war with his Majesty of England, be impressed against their own nation on condition that they comport themselves quietly and peaceably, but their ships and boats shall be subject thereto. Concerning inheritance, they shall have to regulate themselves, according to the laws of Netherland, but be at liberty to dispose of their property by will, according to their pleasure ; and in case any wish to depart from this government with their property, they shall be at liberty so to do within the term

¹ *Achter Koll* or *Coll* was an appellation first applied to Newark Bay, meaning "Behind or Back of the Bay"—the great Bay of the North River—and was subsequently transferred to the land as well. Ed.

of six months on condition of previously paying their debts, and obtaining proper passport from the Governor. Furthermore, no person shall be suffered to settle within this government without the Governor's previous approbation and finally, the Petitioners are granted and accorded Freedom of conscience as the same is permitted in the Netherlands.

Further, the Deputies from the Towns of Woodbridge, Schrousbury and Middeltowne situate at *Achter Coll*, coming into court, the above privileges were, at their verbal request, in like manner granted and allowed to their towns; but all subject to further orders from their High Mightinesses and his Serene Highness of Orange

Captain John Berry, William Sandfort, Samuel Edsall and Lourens Andriessen, appearing before the Council request that they and their plantations may be confirmed in the privileges which they obtained from their previous Patroons, and furthermore possess unobstructed their houses, lands and goods, and to enjoy such further privileges as are granted and accorded to all other the inhabitants of *Achter Coll*, lately called New Jarsey.

Ordered thereupon :

The Petitioners shall enjoy their lawfully acquired houses, lands and goods, together with such privileges as are granted and accorded to their neighboring towns of *Achter Coll*. What regards the privileges obtained from their previous Patroons, the same is denied the Petitioners.

.
 . . . From the nomination of the inhabitants of the town of Bergen and dependencies are this day elected.

As Schout and Secretary . . . Claes Arentse,

As Schepens

Gerrit Gerrits,	Elias Michielse,
Thomas Frederiks,	Peter Marcelissen,
Cornelis Abramse ;	

Whereof a certificate is sent them, and it is further recommended them to come here and be sworn in.

At a Meeting of the Commanders and Hon^{ble} Council of War of New Netherlands, holden in Fort William Hendrik, on Saturday, 19th of August, A^o 1673.

PRESENT—Commander Jacob Benckes,
Commander Cornelis Evertsen, Junior,
Captain A. Colve.

The Deputies from the Towns of Elisabeths Towne, Newworke, Woodbridge, Piscattaway, Middeltowne and Schrousbury appearing, are ordered to call together the inhabitants of their respective Towns, and to have them nominate by plurality of votes, a double number for Schepens or Magistrates of said Towns; also from each Town to elect two Deputies, who shall meet together as one Board, and then nominate, by the greater number of votes, three persons for Schout and three for Secretary, over the said six Towns to which end the following Order is sent to each of them.

The Command^r-in-Chiefe and Councill of warr in fort William Hendrik.

Do hereby order & strictlij require the Inhabitants of Elisabeth Towne to call a Townes Meeting, and by a generall vote to nominate six persons for magestraets of their said towne, as alsoo to appoint twoo deputys who are to meete with the rest of the fijke neighbouring townes, to wit: New worke, Woodbridge, Piscattawaij, Middletowne & Shrousburrij, wich said deputys shall be authorized to nominate three persons for Schout and three for Secretarijs, out of wich said nominated persons bij us shall be ellected for each towne three magistrates, and for the s^d six Townes in generall, one for Schout & one for Secretary, and the said Inhabitants & deputys are hereby requiered to make a true returne thereof unto us within the space of six daijes next ensuing. Dated at forte Willim Hendrik the 19 of August, A^o 1673.

(Signed) JACOB BENCKES,
CORNELIS EVERTS, Junior.

At a Meeting of the Commanders and Hon^{ble} Council of War of New Netherland, holden in Fort Willem Hendrik, 21st August, 1673

PRESENT—Commander Jacob Benckes,
 Commander Cornelis Evertsen, Junior,
 Captain Anthony Colve.

The newly chosen Schout, Secretary and Schepens of the Towns of Midwont, Breukelen, Amesfort, Utrecht, Boswyck and Gravesend, appear before the Council to take the oath of allegiance, which they have subscribed in form as herein before taken by Burgomasters and Schepens.

The Schout and Magistrates of the Town of Bergen in like manner appearing, have also taken the oath in form as aforesaid, and are further told that the Commanders shall visit their Town on Sunday after the Sermon, in order to administer the oath of allegiance to all their people.

On the petition of the Schout of the Town of Bergen he is permitted and allowed by the Hon^{ble} Council of War henceforth to fill and execute the office of auctioneer. . . .

23^d August, A^o 1673 Agreeably to our previous order the inhabitants of the Towns of Woodbridge, Elisabeths Towne, Shrousbury, Middel towne, situate in the Kill van Col, and Manarneek, situate on the Sound over right Oyster bay, have nominated and this day presented to the Council a double number as Magistrates for their respective Towns.

At a meeting of the Commanders and Hon^{ble} Council of War of New Netherland, holden in Fort Willem Hendrik the 24th August, 1673.

PRESENT—Commander Cornelis Evertse, Junior,
 Commander Jacob Benckes,
 Captain Anthony Colve.¹

¹ These three composed the Council, and were present at all the meetings recorded until the commencement of Colve's administration, the first entry of which was under date of September 19th, 1673. Ed.

From the nomination presented by the inhabitants of the Towns of Elisabeths Towne, Woodbridge, Schrousbury, Middeltowne and Mamarneck, the following are this day elected Schepens of said Towns :

Magistrates or Schepens of Elisabeths Towne :

John Ogden, Senior, Samuel Hopkins, Jacob Melyn.

Magistrates or Schepens of Woodbridge :

Samuel Dennis, Obadiah Hoits, Stephen Kent
Sworn 1st September, 1673

Magistrates or Schepens of Shrousbury :

John Hancoe, Eleakim Wardil, Hugh Dyckman
Sworn 1st September, 1673

Magistrates or Schepens of Newworke :

Jasper Crane, Robbert Bond, John Ward,
Sworn 1st September, 1673.

Magistrates of Mamarneck :

John Busset, Henry Pisbrou,

Of which election a formal certificate was sent to each of said Towns, and 'tis ordered that those elected shall come hither on the first opportunity to be sworn in.

The following is the Form of the Oath :

Whereas wee N: N: are chosen bij y^e authority of the high & mighty Lords the Staets Generall etz to bee magistraets of the towne called N. N. wee doe sweare, in y^e Presence of y^e allmighty Godt, to be true & faithfull to y^e said authority, and their Govern^{rn} for y^e tijme being, and that wee equally & impartially shall exercize, Justice betwixt party & partij, without Respect off persons or nations, and y^t we shall ffollow such ffrurther orders & Instructions as we ffrom time to time shall receive ffrom y^e Govern^r & Councell in time being. So help us God.

.

. . . the 26th of August, 1673. . . .

From the nomination of the inhabitants of the Town of Piscattaway are elected :

As Schepens :

John Smally, Nicolas Boman, Daniel Denton,
Sworn 6th Sep^r, 1673.

The 27th August. Pursuant to the resolution of the 21st instant, the Commanders and Council of War did this day proceed to the Town of Bergen, where the Burghers of that town and dependencies were found to amount to 78 in number, 69 of whom appeared at drum-beat who took the oath of allegiance in like form as hereinbefore inserted under date . . . instant; the remainder were absent, whose oaths the Magistrates were ordered to forward.

. . . the 1st September 1673

The following is the election and commission for the Schout and Secretary of the towns situate at *Achter Coll*

The Lords Commanders & Hon^{ble} Council of Warre of New Nederland, residing in fort Willim Hendrik etz. Whereas wee have thought fitt & necessarij to discharge the forme of Governm^t late in practice here and to reduce it under the stijle of Schout and Scheepens, w^{ch} is customarij in our natieve country, the United Belgick provinces. Know yee therefore that wee bij virtue of o^r Commission from y^e High & mighty Lords the States Generall and his Serene Highnesse the Prince of Orange etz. out of y^e Nomination presented unto us bij y^e deputies of Elisabeth Towne Wood Bridge, Shrousbury, New-Worke Piscattewaj & Middeltowne, have elected and established

M^r John Ogden to be Schout & } of all the respective
M^r Samuel Hopkins to be Secretary } Townes

Giveing & by these presents granting unto the s^d John Ogden & Samuel Hopkins & each of them, full pouver

streight & authority in their said offices. The said Schout together wth y^e Schepens or magistrates of y^e respective Townes to Rule & governe as well their Inhabitants as Strangers and y^e s^d Samuel Hopkins to administer the office of Secretarij in y^e s^d Townes according to the Laws of the United Belgicq Provinces and such particular Instructions as they from time to time shall receive from us & from our Govern^{rs} for the time being, and wee do hereby strictly order & Command all the inhabitants of the said Townes to obeij & execute all such lawfull orders & constitutions as shall be made by y^e s^d Schout & magistrats for the welfare of y^e s^d respective Townes and y^e inhabitants thereof.

Dated as above.

The Schout John Ogden and Secretary Samuell Hopkins are this day ordered to take an Inventory of the estate of the late Governor Carteret, and to report the result.

.

. on the 6th September, A^o 1673.

Captain Kuyf and Captain Snell are this day commissioned and authorised by the Hon^{ble} Council of War, to repair with the clerk Abram Varlet to Elisabets Towne, Woodbridge, Shrousbury, Piscattaway New Worke and Middeltowne, situate at *Achter Coll*, and to administer the oath of allegiance to all the inhabitants of those towns in the form as hereinbefore recorded, to which end orders and instruction in due form are also given them

. on the 7th September, 1673.

Schout John Ogden and Secretary Samuel Hopkins appearing, complain that Robert Lapriere hath removed divers goods from the house of Philip Carteret which he refuses to restore; also that one John Singletary refuses to obey their commands; whereupon tis ordered to arrest said persons and bring them hither, to which end some soldiers are furnished. They are furthermore ordered to summon James Bollen, late Secretary of the Province of New Yer-

sey, to deliver up, agreeably to former order the Governor's papers within the space of 10 days after this date, or in default thereof, his property shall be at the disposal of the Hon^{ble} Council of War

8th of September A^o 1673

Captain Berry and William Sandford entering and requesting, in substance, that the Records and Papers of the late Province of New Yarsey, may for divers reasons be delivered to and remain in the office of the Secretary of this Government, and not with M^r Hopkins individually: the same is provisionally allowed them until further inquiry be made herein

. . . 9th of 7^{ber}, 1673 Robert Lapriere and Jonathan Singletary being arrested by the Sheriff of *Achter Coll* and pursuant to previous order sent hither, are examined in Council on the charges brought against them, all which were denied by them. Whereupon ordered, that John Ogden, the Sheriff, be summoned hither to prove his complaints against those persons.
.

. . . 12th of September, 1673

James Bollen, Captⁿ Berry, Samuel Edsall and some inhabitants of Woodbridge, again request that the books and papers concerning the province called New Yarsie, may be delivered into the hands of Secretary Bayard and not to Samuel Hopkins, as they have great reasons to suspect said Hopkins of having made away with some of them. Their request is granted and allowed
.

. . . 13th of 7^{ber}, 1673

The Sachems and Chiefs of the Hackinsagh Indians, accompanied by about 20 of their people, requested an audience, and being admitted, state that they have been sent to the Commanders by the rest of their Indians, to

request that as they heretofore had lived in peace with the Dutch, they may so continue in future; declaring that on their side it was sincerely desired, in token whereof they presented about 20 deer skins, 2@3 laps of Beaver, and 1 string of Wampum.

Whereupon they were answered: That their presents and proposals were accepted, and they should be considered by the Government, as heretofore, good friends; in confirmation whereof they were presented with 6½@ of checkered linen; 12 pairs of woolen hose, and five cartridges of powder; for which they thanked the gentlemen, and again departed.

The Hon^{ble} Council of War having heard and examined the complaints of John Ogden, Schout, against Jonathan Singletary, for not only refusing to obey the orders sent him by said Schout, but moreover for answering very rudely and discourteously in writing, in contumely and disrespect of his authority, which being sufficiently proved, partly by admission and further by evidence on oath, the Hon^{ble} Council of War, by virtue of their commission administering justice, have therefore condemned and sentenced, as they do hereby sentence and condemn said Jonathan Singletary to pay a fine of Five Pounds Sterling, to be applied to the behoof of the poor of this city, with further warning that strict orders shall be given to the Magistrates of *Achter Coll* to have a strict eye over his behavior, and that he shall, on the first complaint made *de novo* against him, be punished as a mutineer and disturber of the public peace, and as an example to others. Further to pay costs of court.

The Hon^{ble} Council of War having heard and examined the complaint of John Ogden, Schout, against Robert Van Quelen, *alias* Lapriere, who refuses not only to obey the orders sent to him by the Schout to restore the goods removed by him from the house of the late Governor Carterett, but moreover publicly stating with threats that the

Duke of York had still an interest in Fort James, and that there would be another change within half a year. All which being sufficiently proved under oath, the Council of War therefore administering Justice by virtue of its commission, have hereby condemned and sentenced said Robert Van Quelen to restore the removed goods of Capt. Carterett, and furthermore, to be banished as an example to others. . . . Ady as above.

. . . 14th of 7^{ber}, 1673. . . .

Captⁿ Kuyff and Liut Snel having returned yesterday from *Aghter Coll*, report: That pursuant to their commission, they have administered the oath of allegiance in the form hereinbefore set forth, under date _____, to the inhabitants of the undernamed towns, who are found to number as in the lists delivered in to the Council

Elisabethtown, 80 men, 76 of whom have taken the oath ;
the remainder absent.

New Worck, 86 men, 75 of whom have taken the oath ;
the remainder absent.

Woodbridge, 54 men, all of whom have taken the oath ;
except one, who was absent.

Piscattaway, 43 men, all of whom have taken the oath.

Middeltowne, 60 men, 52 of whom have taken the oath ;
the remainder absent.

Schrousbury, 68 men, 38 of whom have taken the oath ;
18 who are Quakers, also promised allegiance, and the
remainder were absent.

The following is the roll of the officers of militia elected and sworn in by Captⁿ Kuyff and Lieutenant Snel, by order of the Council of War :

Elisabethtown : Jacob Modyn, Captain ; Isaac Whitehead,
Lieutenant ; John Woodrof, Ensign.

New Worke : Samuel Swaine, Captain ; John Ward,
Lieutenant ; Samuel Kitchell, Ensign.

Woodbridge : John Pike, Captain ; John Bishop, Lieuten-
ant ; Samuel Dennis, Ensign.

Piscattaway : Bennayah Dunham, Captain ; Joseph Snow,
Lieutenant ; John Longstaf, Ensign ;

Middeltowne : Jonathan Hulmes, Captain ; John Smith,
Lieutenant ; Thomas Whitlock, Ensign.

Schrousbury : William Newman, Captain ; John William-
son, Lieutenant ; Nicles Browne, Ensign.

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29 7tember, 1673

On the request made on behalf of Col. Lewis Moorris,
pass and repass is granted him to come into this govern-
ment, on condition that he attempt nothing to its prejudice
during his sojourn Notice is this day sent to
the Magistrates of the town situate at the Nevesings near
the sea coast, which they are ordered to publish to their
inhabitants, that they on the first arrival of any ships from
sea shall give the Governor the earliest possible informa-
tion thereof

Whereas the Late Chosen Magestrates off Shrousburi
are found to be Persons whoes religion Will Not Suffer
them to take anij oath, or administer the Same to others
wherefore they Can Nott be fit Persons for that office I
have therefore thought fitt to order that bij y^e s^d Inhabit-
ants off y^e s^d towne a New Nomination shall be made off
four Persons off the true Protestant Christian religion, out
off which I shal Elect two, and Continue one off y^e former
for Magestrates off y^e s^d towne ; dated att ffort Willam
hendrick this 29th 7^{ber} 1673.

(Signed) A. COLVE

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Provisional Instruction for the Schout and Magistrates
of _____

ART. 1. The Sheriff and Magistrates shall, each in his quality, take care that the Reformed Christian Religion be maintained in conformity to the Synod of Dordrecht without permitting any other sects attempting any thing contrary thereto.

2. The Sheriff shall be present, as often as possible, at all the meetings and preside over the same; but should he act for himself as party, or in behalf of the rights of the Lords Patroons or of Justice, he shall, in such case, rise from his seat and leave the Bench and in that event he shall not have any advisory much less a concluding vote, but the oldest Schepen shall, then preside in his place

3 All cases relating to the Police, Security and Peace of the Inhabitants; also to Justice between man and man, shall be finally determined by the Magistrates of each of the aforesaid villages, to the amount of, and under, sixty florins, Beaver, without appeal; In case the sum be larger the aggrieved party may appeal to the meeting of the Sheriff and Councillors delegated from the villages subject to his Jurisdiction, for which purpose one person shall be annually appointed from each village who shall assemble in the most convenient place to be selected by them, and who shall have power to pronounce final Judgment to the amount of fl. 240 Beavers and thereunder. But in all cases exceeding that sum each one shall be entitled to an appeal to the Governor-General and Council here.

4 In case of inequality of votes, the minority shall submit to the majority; but those who are of a contrary opinion may have it recorded in the minutes but not divulge it without the meeting on pain of arbitrary correction.

5 Whenever any cases occur in the meeting in which any of the Magistrates are interested, such Magistrate shall, in that instance, rise and absent himself, as is hereinbefore stated in the 2^d article, of the Sheriff.

6. All inhabitants of the above named villages shall be citable before said Sheriff and Schepens or their delegated Councillors who shall hold their meetings and courts as often as they shall consider requisite.

7. All criminal offences shall be referred to the Governor-General and Council, on condition that the Sheriff be obliged to apprehend the offenders, to seize and detain them and to convey them as prisoners under proper safeguard to the Chief Magistrate with good and correct informations for or against the offenders.

8. Smaller offences, such as quarrels, abusive words, threats, fisticuffs and such like, are left to the Jurisdiction of the Magistrates of each particular village.

9. The Sheriff and Schepens shall have power to conclude on some ordinances for the welfare and peace of the inhabitants of their district, such as laying out highways, setting off lands and gardens and in like manner what appertains to agriculture, observance of the Sabbath, erecting churches, school-houses or similar public works. *Item*, against fighting and wrestling and such petty offences, provided such ordinances are not contrary but as far as is possible, conformable to the Laws of our Fatherland and the Statutes of this Province; and, therefore, all orders of any importance shall, before publication, be presented to the Chief Magistrate and his approval thereof requested

10. The said Sheriff and Schepens shall be bound strictly to observe and cause to be observed the Placards and Ordinances which shall be enacted and published by the supreme authority, and not suffer anything to be done against them, but cause the transgressors therein to be proceeded against according to the tenor thereof; and further, promptly execute such orders as the Governor-General shall send them from time to time.

11. The Sheriff and Schepens shall be also obliged to acknowledge as their Sovereign Rulers, their High Mightinesses the Lord States-General of the United Netherlands and his Serene Highness the Lord Prince of Orange, and

to maintain their sovereign Jurisdiction, right and domain over this country.

12. The selection of all inferior officers and servants in the employ of the Sheriff and of the Schepens, the Secretary alone excepted, shall be made and confirmed by themselves.

13. The Sheriff shall, by himself or deputies execute all the Magistrates' Judgments and not discharge any one except by advice of the Court; he shall also take good care that the places under his charge shall be cleansed of all mobs, gamblers, whore-houses and such like impurities.

14. The Sheriff shall receive the half of all civil fines accruing during his term of office together with one-third part of what belongs to the respective villages from criminal cases; but he shall neither directly nor indirectly receive any presents forbidden by law.

15. Towards the time of election, the Sheriff and Schepens shall nominate as Schepens a double number of the best qualified, the honestest, most intelligent and wealthiest inhabitants, exclusively of the Reformed Christian Religion or at least well affected thereunto, to be presented to the Governor, who shall then make his election therefrom with continuation of some of the old ones in case his Honor may deem it necessary.

Dated Fort Willem Hendrick, the first of October, 1673.

The preceding instruction, as registered word for word, is in like manner sent

In English, to Schout John Ogden and the Magistrates of the Towns of Elizabethtown, Woodbridge, Shrousbury, New arke, Piscattaway and Middeltown, situate at *Achter Col.*

To the Schout and Magistrates of the Town of Bergen, only with this alteration, that in the 3^d par. they shall pronounce definitive Judgment to the amount of fl. 60 in Beavers and no further.

Ditto to those of Bergen and Westchester and Staten Island

The Governor has this day resolved to sell Major Kingsland's plantation and effects at *Achter Col* ; and the Magistrates of the Town of Newarke are accordingly authorized to drive off and sell by public auction the cattle and swine of said plantation, to be paid for next winter in salt pork @ 3 £, or beef @ 2 £ per barrel, winter wheat @ 6 guilders or peas @ 4 guilders, Wampum currency, per skepel ; and it is further ordered, that written notice shall be given that said plantation and house will be sold on the 28th instant at the house of Philip Nys here in this city. Dated Fort Willem Hendrick, this 1st October

.

—

M^r JOHN OGDEN

Yesterday I sent You y^e Instructions bij ij^e waij of New Worke since that time I Received y^r of y^e 29th of Septemb^r last and Vnderstood out of y^e same y^e proceedings of ijour people wth y^e Indians of w^{ch} I do wal approve and according to your desire I wil alsoe Endeavour that Satisfaction maij be given by y^e Indians to y^e owners to w^{ch} End I have once more thought fit that y^e Indian Sachem be summoned to appeare before me to give me satisfaction about it and that y^e Messenger doth signify to him that I do much wonder that all y^e Cheife Sachems hereabouts as also those of y^e Mohacks have bene here to present themselves unto me and that he onlij Remains Defective therein wherefore I would willingly Speake wth him to know y^e Reason ; and that I promise him of his Company freely to Passe & Repas without any Molestation you may alsoe give Order what goods he hath Tendred or yett shall tender to Restore y^e people maij Receive from him and lett an acc^t be sent me what y^e losse maij be of y^e goods w^{ch} still are wanting. You are also Required to send hether bij y^e first opportunity the armes & other goods according to Inventorij formerlij belonging to y^e Late Gouvern^r Cartrett and to Cause this Inclosed order of arrest to be published in your Severall Townes and to order y^e severall

Clarkes to returne an acc^t thereof unto you for to be presented unto me, And lett M^r Hopkins Examin uppon what Conditions y^e Tennants are Seated uppon the plantations of Captⁿ Carterett and acc^t thereof Returned unto me ; not Else at Present but that I am

Your Loving ffriend

Dated at ffort Willem (signed) A: COLVE
Hendrick 14th Octob^r 1673.

Proclamation for a day of Humiliation and Thanksgiving

TRUSTY & WELBELOVED

Considering the Manifold Blessings & favours w^{ch} the Bountifull & Merciful god hath bene pleased graciously to Bestow uppon this Province and the Inhabitants thereof amongst w^{ch} is to be Esteemed beyond all others the free & pure worshipp of god w^{ch} Blessing together wth all others ought Not only to drawe & oblige us to dutifull thankfulnessse but also to meeknesse & Rependance because of our Manifold sins & Transgressions to the End the s^d Blessings & favours of our god may be Continued towards us & this People & Country be free from this weldeserved Wroth & Indignation, Know Yee therefore that wee have thought it Necessary & do by these Presents order & Proclaime an universall day of fast humiliation & thancksgiving w^{ch} shall be held wthin this Province on the first wednesday on every mounth & begunn on the first wesnesday of the next ensuing month of Decemb^r being Second day of the s^d Month, & soo Alsoe uppon Every first wednesday of y^e month thereunto Ensuing ; And to the End the s^d day of humiliation & thanckgiveing may bee the better put in practice & due Execution, Wee do hereby strictly prohibite & forbid on the s^d day of humiliation Thanksgiving all manner of Labour & exercizings of hunting ffishing gaming Excesse in drincking and the Lyke & all

Inkeepers & ordinaris not to Retayle any Licquors or drinke uppon Penalty of Corporall Punishment, To the true p^rformance of w^{ch} wee do hereby stricktly order & Comand all Magistrates officers & Justices of this Province & prolecute against the Transgressions according to the Tenn^r: thereof and to Cause this Proclamation to bee published in due time & place, Soo wee Recommand you to the Protection of the Almighty godt ;

Trusty & welbeloved

Your loving ffrinds

In fort W^m Hendrick (: Signed :) ANTONY COLVE
this 15th of Novemb^r

(Vnderstood :)

By order of the govern^r generall & Councell of the Nieu Nietherlands.

N: BAYARD Secret^r

Whereas some difference has arisen between M^r Jno. ~~Berry~~ and M^r William Sandford, both of whom requested that it may be referred to the court of the Schout and Magistrates of the town of Bergen, which request being considered by the Governor, the same is for the present granted and allowed.

Done Fort Willam Hendrick this 19th 9^{ber}, 1673.

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At a Council holden in Fort W^m Hendrick, the 24th December, 1673.

PRESENT—Anthony Colve, Governor-General,
Cornelis Steenwyck, Councillor.

.

The Schout and Magistrates of the town of Bergen requesting that the inhabitants of all the settlements dependent on them, of what religious persuasion soever they may be, shall be bound to pay their share towards the

support of the Precentor and Schoolmaster, &c, which being taken into consideration by the Governor and Council,

It is ordered :

That all the said inhabitants, without any exception, shall, pursuant to the resolution of the Magistrates of the town of Bergen, dated 18th X^{ber}, 1672, and subsequent confirmation, pay their share for the support of said Precentor and Schoolmaster. Dated as above.

M^r JOHN OGDEN :—

His honn^r the govern^r is Informed that at your Towne are Lying 2 or three pieces of ordinance for w^{ch} he hath at present occasion to make vse of, you are therefore hereby Required to Cause the s^d peeces to be sent hether wth the first opportunity whereof you are not to faile. Soe haveing not Else at present I rest—

Your Loving ffriend

(: Signed :)

A. COLVE

fort Willem Hendrick

2 Janu^{ry} 1674.

30th January

The Governor-General having read and considered the petition of John Ogden, Schout at *Achter Col*, requesting, in substance :

First. The Governor-General's ratification of some ordinances enacted by the Magistrates, according to the copies thereof delivered in.

2. That Samuel Moore on behalf of the foregoing hath some promissory notes in his possession against some of the inhabitants, which the Petitioner requests may be placed in his hands.

3. Requests that the records of the late government may be lodged, under inventory, with the Secretary of *Aghter Col*.

4. That the Court may be authorised to sentence and inflict corporal punishment, such as flogging and lighter penalties.

It is ordered :

The Petitioner is directed to have the enacted ordinances translated into the Dutch language, when they will be examined, and if found suitable, ratified ; regarding the complaint against Samuel Moore, those interested in said notes can institute their action at law against him, and furthermore, it is granted to the Petitioner that the requested records shall be lodged, under proper inventory, with the Secretary there. The 4th point will be taken into further consideration by the Governor and Council

.
 Thomas Johnson, inhabitant of New worke, at *Aghter Coll*, is hereby permitted to proceed hence, in person, to New England and to remove thence and bring here his vessel and some goods lawfully belonging to him, on condition that he do not carry hence nor bring in here any letters contrary to the placard, and be bound, on his return, to surrender this permit and to report himself to the Governor-General here ; and all Captains, Commanders and other officers of this Province, are hereby required to allow said Thomas Johnson to pass and repass this time. Done Fort Willem Hendrick, this 2^d March, A^o 1674.

At a Council in Fort Willem Hendrick, Thursday 8th March 1674

PRESENT—Governor-General Antony Colve,
 Councillor Cornelis Steenwyck,
 M^r Cornelis van Ruyven and
 Secretary Nicolaes Bayard, as assumed Council.

Read and considered the petition of Bartholemew Appelgad, Thomas Appelgad and Richard Sadler, requesting in substance that they may be allowed to purchase from

the Indians a tract of land situate about two leagues on this side of Middle Towne, near the Nevesings, fit for a settlement of 6@8 families, &c. Whereupon, it is ordered :

The Petitioners' request is allowed and granted, on condition that after the land be purchased, they take out patents in form for it, and actually settle it within the space of two years after having effected the purchase, on pain of forfeiture.

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At a Council, 18th April, 1674,

PRESENT Governor-General Anthony Colve
Councillor Cornelis Steenwyck
M^r Cornelis van Ruyven and
Secretary Nicolas Bayard, assumed Councillors and
Fiscal Willem Kuyff

.

John Bound and Richard Hartshooren, residing at Middletown, both for themselves and partners, give notice that the land granted to Bartholemew Appelgadt, Thomas Appelgate and Richard Sadler, on their petition, is included in their, the Petitioners', patent, requesting therefore that said land may be again denied to said Appelgate's.

Ordered :

Petitioners shall, within six weeks from this date, prove that said land is included within their patent, when further order shall be made in the premises.

A certain Proclamation being delivered into Council from the Magistrates of the Town of Middletowne, prohibiting and forbidding all inhabitants from departing out of said town, unless they give bail to return as soon as their business will have been performed, or they be employed in the public service, &c, requesting the Governor's approval of the same ; which being read and considered, it is resolved and ordered by the Governor-General and Council, that no inhabitant can be hindered changing his domi

cile within this Province unless arrested for lawful cause ; however, no one shall depart from the Town of Middeltoune unless he previously notify the Magistrates there of his intention.

This day Councillors Cornelis Steenwyck and Cornelis van Ruyven heard, by order of Governor Colve, in Fort Willem Hendrick, the claim of some Indians who assert that Sicakus, a small island situate behind Bergen, was not sold, but only Espatingh and its dependencies, and that other Indians blamed them for having sold land that was not theirs ; whereupon the deed of purchase being examined and arguments further heard, they find the aforesaid island to be included in the sale made in January, A° 1658, but not in the sale of the land of Espatingh, which being interpreted and explained to them by Saartie van Bersim, they say they did not know it ; propose that they ought to have a present of an anker of rum, which those interested, in order to obviate further difficulty, have consented to give them.

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In a Council, holden at Fort Willem Hendrick, this 24th May, 1674

PRESENT—Governor-General Colve
Councillor Cornelis Steenwyck and
Secretary Nicolaes Bayard, assumed Councillor.

Read and considered the petition of Samuel Moor, setting forth that he is aggrieved by a certain Judgment pronounced against him by the Schout and Magistrates of the Town of Woodbridge, requesting that the case may be taken up in appeal without bringing it before the deputy Councillors, inasmuch as the Schout who presides over them and the Secretary are interested in the case.

Ordered :

The Petitioner in the case in question is referred to the Court of the deputed Councillors at *Aghter Col*, whose

Judgment must be pronounced on it before it can be taken up in appeal by the Governor and Council, and the Schout there is ordered and commanded to be careful that said Court be conducted pursuant to the Governor's order, and that impartial Judges be appointed over it who are no wise interested in the case or with the parties on either side.

Read and considered the petition of [John] Berry, complaining that he is aggrieved by a certain Judgment pronounced by the Court of the Town of Bergen between William Sandfordt, Pltff., and the Petitioner, Deft. on the last, requesting, therefore, that it may be taken up here in appeal.

Ordered :

Fiat mandament in appeal for Thursday, four weeks.

The Schout, Magistrates and Commonalty of the Town of Bergen, complaining, by petition, that over two years ago a question arose between the Petitioners and their dependent hamlets of Gemoenepa, Mingaghqué and Pemrepogh respecting the making and maintaining of a certain common fence to separate the heifers and steers from the milch cows and draft oxen ; which question was referred, by the late government, to four arbitrators chosen by both sides, who decided, on the 10th April, 1672, according to the certificate produced in Court, which decision Petitioners allege their constant willingness to obey, but it was at once rejected by their opponents ; therefore, request they may be ordered to comply with said arbitration, or show cause for their refusal.

Ordered :

The inhabitants of the hamlets Gemoenepa, Pemrepogh and Mingaghqué are hereby ordered and commanded promptly to regulate themselves according to the decision of the arbitrators dated the 10th April, 1672, or deliver in to the Court of the Governor-General and Council, within the space of 14 days from the date hereof, any objection they will be able to produce against that decision.

The Schout and Magistrates of the Town of Bergen, complaining, by petition, that some of the inhabitants of their dependent hamlets, in desparagement of the previous order of the Governor-General and Council dated the 24th X^{ber} last, obstinately refuse to pay their quota to the support of the Precentor and Schoolmaster.

Ordered :

The Governor-General and Council persist in their previous mandate of the 24th X^{ber} last and order the Schout to proceed to immediate execution against all unwilling debtors.

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At a Council held in Fort Willem Hendrick, 15th June, 1674

PRESENT Governor-General Anthony Colve,
Councillor Cornelis Steenwyck,
Fiscal William Kuyff, and
Secretary Nicolaes Bayard as assumed Committees.

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On petition of Lourens Andriese, Samuel Edsall and Dirck Claesen, agents of some hamlets dependent on the town of Bergen, requesting that the Schout and Schepens of said towns be ordered to leave the Petitioners undisturbed, respecting a certain fence in dispute between them, or to cause the Petitioners to be summoned, and to institute their action in this case, before the Governor, &c.

Petitioners are again ordered pursuant to the previous instruction, to deliver into Court within 14 days, their objections in writing to the award given by the arbitrators, on pain of discontinuance without being heard any more in the premises.

On petition of Lourens Andries and Joost van der Linde, agents for the inhabitants of Mingagqué and Pemrepogh, requesting to be excused from contributing to the support of the schoolmaster at Bergen, &c.

Ordered :

Copy hereof to be furnished the Magistrates of the town of Bergen, to answer the same.

On petition of Daniel Denton and John Gilman, agents for the inhabitants of the Town of Piscattaway, at *Aghter Coll*, in regard to some valleys in dispute between them and the Town of Woodbridge.

Ordered :

The Governor-General and Council decree and direct, that this case in dispute between the Towns of Piscattaway and Woodbridge, must be decided by the Court of Schout and deputed Councillors, to whom shall be added some persons in consequence of the present small number of their Board.

On the petition of the Schout and deputed Councillors of *Aghter Coll*, requesting, further explanation of the third Article of their Instructions and that some persons may be added to their Board in order to decide the matter in question between the Towns of Woodbrige and Piscattaway,

Ordered :

Whereas the question is between two Towns and not between man and man, as mentioned in the 3^d Article of the Instruction, therefore said case can be decided only by the Court of Schout and deputed Councillors, to whose number, on the Petitioners' request, shall be added some more persons for the decision of the case.

Anthony Colve for their High Mightinesses the Lords States-General of the United Netherlands, and his Serene Highness the Prince of Orange, &c, Governor-General of New Netherland, together with the Council To all those who shall see these presents or hear them read Greeting, make known :

Whereas, we are informed by the Schout and deputed Councillors, of the respective towns situate at *Aghter Coll*,

that between two of said towns, namely Piscataway and Woodbridge, a difference has arisen in regard to certain valleys in dispute between them, and that process has issued thereupon before the deputed Councillors aforesaid, who, in consequence of the small number of their Board, caused by the exclusion of the two Deputies from said interested towns, they cannot decide said case, requesting therefore that some persons may be added to their Board for the decision of said question; therefore the Governor-General and Council have resolved to add some persons to said Board, and to that end have appointed and qualified, do hereby appoint and qualify Mr. John Lawrence as President, Mr. Richard Betts, and Mr. James Hubbert, who are commissioned with the aforesaid Board of Schout and deputed Councillors, on a certain suitable day to be previously fixed by the Schout, to hold a session and Court within the Jurisdiction of said deputed Councillors, and to debate, examine and decide the case in dispute between the above-named, according to law; and the parties in question, with their witnesses, and all others whom these may in any wise concern, are ordered and directed to acknowledge the abovementioned additional members and Councillors, or any four of them, as their lawful judges, being representatives of the Board of deputed Councillors of said Towns and promptly to obey their orders. Done Fort Willem Hendrick, this 17th June 1674.

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At a Council in Fort Willem Hendrick, this 21st June, 1674.

PRESENT—The Governor-General,
 Councillor Cornelis Steenwyck,
 M^r. Cornelis Van Rnyven and
 Secretary Bayard, as assumed Councillors; and
 Captain Willem Kuyff, Fiscal.

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John Berry being already allowed to appeal from the Judgment pronounced between him and William Sandfort, in case of injury by the Court of the Town of Bergen, dated 11th 9^{ber} last, a mandamus is accordingly this day granted him.

At a Court held in Fort Willem Hendrick, on the 5th of July 1674.

PRESENT Governor Anthony Colve,
Councillor Cornelis Steenwyck, and
Secretary Nicolaes Bayard, as assumed Councillor.

7th July 1674

Read and considered the petition of William Meaker and Thomas Thompson, residents of Elizabethtown, at *Aghter Coll*, complaining that Samuel Moor did, contrary to the order of the deputed Councillors of *Aghter Coll*, refuse to deliver up the bail bond executed by the Petitioners on 26th June, 1673, to Captⁿ John Berry, then Deputy Governor, to appear before the next Bench and there to answer the complaint of Thomas Pardon, &c, requesting, further, that said Moor may be commanded to comply with the order of the deputed Councillors, by delivering up said bond,

Ordered :

The Governor-General and Council having seen that Samuel Moor doth, as it appears, in disparagement of the orders of the deputed Councillors, neglect to deliver up the bail bond of the Petitioners' to Secretary Samuel Hopkins, M^r John Ogden, the Schout is hereby instructed and commanded to put in immediate execution the said order of the deputed Councillors against said Samuel Moor, and demand said bail bond, or, in case of further refusal, to apprehend said Moor and send him a prisoner hither.

On the petition of Daniel Dantom and John Gilman, agents for the Town of Piscatteque, complaining of the

dilatory exceptions made by Samuel Moor and Pike, respecting the retention of the Petitioners' valleys, request to be maintained in their good right, &c

Ordered :

The Petitioners may cite their parties herein before Mess^{rs} John Lawrence, Richard Betts and James Hubbert, and the Court of deputed Councillors appointed by previous commission to hear and determine the matter in question between the Town of Woodbridge and Piscatteque, Therefore are the Petitioners again referred to said Court, which is hereby recommended, upon due examination of affairs, to cause quick right and justice to be administered to parties.

.....
 Captain JOHN BERRY, *Pltff*, in appeal,
against

W^m SANDFORT and Schout CLAES ARENTSEN, conjoined *Defts*

Pltff. complains that Defts. have instituted an action against him, before the Court at Bergen, for carrying off some hogs which he claims to be his own property, and have thereon obtained judgment, as if he had obtained those hogs in a scandalous manner, by stealing ; requesting, for reasons more fully set forth in his petition and application for appeal, that judgment of said Court pronounced 11th 9^{ber} last, be annulled, and the Pltff. relieved from this scandalous action, &c.

Schout Claes Arentsen appearing, answers and requests that Def. [in the Court below,] be ordered to prove that they were his hogs ; says further, that the Court aforesaid have not condemned the Pltff. of theft, but of inconsiderate removal of the hogs, without the consent of any officer, &c

Appellant acknowledges having rashly removed said hogs without consent, thinking they were his own, requests therefore to be excused, &c.

Governor-General and Council having heard parties and examined and investigated the papers and documents pro-

duced on both sides, declare the appellant in the case, not guilty of the suspicion of theft, yet finding that he hath gone too far in the inconsiderate removal of the hogs, without having previously obtained consent to that effect, and modifying the judgment of the abovenamed Court, condemn the Appellant herein in a fine of one hundred guilders, light money, with restitution of the removed hogs, on valuation of arbitrators, unless he will within 6 m. be able to prove that they were his own hogs, and pay the costs herein incurred.

On the petition of Joost van der Linde, and Hendrick Spiers, each is allowed a piece of land for a bouwerie, each piece 25 morgens, beginning opposite Schutter's Island, and further westerly along the *Kill van Koll*.

Lymar Jacobse complaining, by petition, that he is grossly calumniated by the false accusation of Dirck Gerritse, as if the Petitioner had committed a very shameful and scandalous action, requesting Justice in the case against the accused, &c.

Ordered :

The Magistrates of the town of Bergen, are ordered legally and publicly to summon Dirck Gerritse within 14 days, and to proceed against him according to law, on Petitioner's complaint or else to put their previous judgment against him into execution.

The Governor and Council of New Netherland, having seen the complaint of the town of Bergen against the inhabitants of the villages of Pemrepogh, Mingagquy, &c, and the answer given by them, in regard to what the inhabitants of Pemrepogh and Mingagquy, aforesaid, owe for the support of the Schoolmaster, and precentor of the town of Bergen, it is after due inquiry resolved and ordered, that the inhabitants of Pemrepogh and Mingagquy, shall promptly pay their share for the support aforesaid, on pain of proceeding against them with immediate execution.

William Hayes' Affidavit About the Taking of New York.

[From "New York Colonial Documents," Vol. III., p. 213.]

AFFIDAVIT OF M^r W^m HAYES CONCERNING Y^r TAKING OF
NEW YORK

This 2^d of December 1673 W^m Hayes of London Merchant personally appeared before me, & being by me examined, did declare that he the said Hayes being a prisoner in Virginia, on board the Dutch Admirall Euertson of Zeeland in Company wth Binkhurst Admirall of Amsterdam in company wth five other frigotts & a fire ship, who had taken eight Virginia Merchant ships, & sunke five after a hott dispute, & the saide Duttch fleete wth their prizes being going out of James River mett wth a Sloop then come from New Yorke which slooppe they took & Examined the Master in what condicon the said New Yorke was as to Itts defence, & promised the said Master by name Samuell DAVIS to giue him his slooppe againe & all that they had taken from him iff he would tell them the true state of that place, who told them in y^e hearing of this Examinant that New Yorke was in a very good condic'on, & in all respects able to defend itselfe hauing received a good supply of armes & ammunic'on from his Royall Highness the Duke of Yorke wth aduice of their designe on that place w^{ch} made them resolute to steere another course, & not goe to New Yorke, when one Samuell Hopkins ¹ a passenger in y^e said slooppe, & Inhabitant at Arthur

1 SAMUEL HOPKINS was an early settler at Elizabethtown, and always identified with those hostile to the administration of Philip Carteret, and the interests of the Lords Proprietors. Having taken part with James Carteret in his attempt to subvert the established government, he seems to have become so intimately associated with him, as to take passage, in 1673, in the sloop of Samuel Davis, for Carolina, along with Carteret and his wife; but the vessel having been seized, and Carteret put ashore, Hopkins availed himself of the opportunity afforded by his examination, to give the Dutch commander such information, as might induce him to carry out the intended attack on New York, and lead to the displacement of the Proprietors' authority in New Jersey. [See *ante*, page 121.] Success having attended the expedition, the good offices of Hopkins were not forgotten; and, for a time, he was associated as Secretary, with John Ogden 'as Schout, in the government established over the province by the Dutch. See Hatfield's "History of Elizabeth." Ed.

Call in New England, & a professor there did voluntarily declare to y^e Dutch that what the said Dauis had informed was altogether false, that New Yorke was in no condicon to defend itselfe ag^t the Dutch, But they had few canons mounted and those that were upon such rotten cariages that one discharge would shake them to peeces & dismount the Canon; that there were but few men in armes in the ffort, that any considerable number could not be easly drawne together, that the Governo^r was absent, being gone to Canedicott to visitt Governo^r Winthorpe all w^{ch} encouraged the Dutch to visitt that place, w^{ch} was presently taken by them; Where the said Hopkins yet continues, & had encouraged the Dutch to proceede to the takeing of Arthur Cull hauing discovered to them allso the weakenes of that place; And this Examinant saith that the said Hopkins had formerly made his aboade wth Cap^t James Cartrett, & farther saith not

This Examinac'on was taken the day and year abouesaid
 P me EDWYN STEDE

*Letter from Charles II., Concerning Obedience to the
 Government of Sir George Carteret.*

[From "Grants and Concessions," p. 49.]

CHARLES R.

TRUSTY and well beloved, we greet you well. Whereas our right trusty and well beloved Councillor Sr GEORGE CARTERET *Knight* and *Baronet*, by Grant derived under Us, is seized of the Province of *New-Cassarea*, or *New-Jersey*, in *America*, and of the Jurisdiction thereof as Proprietors of the same, in the Plantation of which said Province, the said Sir GEORGE CARTERET, hath been at great Charge and Expence; and whereas of late, great Troubles and Disorders have happened there by some ill affected Persons. We being willing and desirous to encourage the

Inhabitting and Planting of the said Province, and to preserve the Peace and Welfare of all our loving Subjects residing there, we do therefore hereby require you in our Name, to use your most endeavours to prevent all Troubles and Disorders there for the future; and strictly to charge and command all Persons whatsoever inhabiting within the said Province, forthwith to yield obedience to the Laws and Government, which are or shall be there established by the said Sir GEORGE CARTERET, who hath the sole Power under us, to settle and dispose of the said Country, upon such Terms and Conditions as he shall think fit; and we shall expect a ready compliance with this our Will and Pleasure, from all Persons whatsoever, dwelling or remaining within the same, upon Pain of incurring our high Displeasure, and being proceeded against according to Law, whereof you are to give publick Notice to all Persons that are or may be concern'd. And so we bid you farewell. GIVEN at our Court at *Windsor*, the 13th Day of *June*, 1674. In the 26th Year of our Reign.

By his Majesty's Command,

ARLINGTON.

*Proceedings of Court in Relation to Differences Between
Piscataway and Woodbridge.*

[From "N. Y. Col. MSS.," Secretary's Office, Albany, Vol. XXIII., page 358.]

According to Speciall Commission ffrom his Honour, the Governour, the Court was holden [at] Elizabeth Towne, the 23rd Day of June 1674. The said Court Received and Heard the Com[plaint] of the Inhabitants of Piscattaway by there Agents in a Declaration by them Exhibited which Decla[ration] Being against some particular persons of Woodbridge and not against the Towne in Generall the [said] Persons refused to Joyne Ishue in the case, as by an exception by the said persons produced (now

[by the] hands of the President, Mr. John Lawrance) before me. thereunto had Doth more at large app[ear,] which said Exception did Interdict and stop the Courts further Course of Process, There Commission [be]ing Expresse to heare and Determine a Difference between Twoe Townes viz: Piscattaway and Woodbr[idge] notwithstanding The Court spent much time in Hearing both Plaintiffs and Defendants Their an[swers] and affirmations Touching the said Case, by all which the Court is made sencible That the Inhabitants [of] Woodbridge are Possessed of a considerable Part of meadoe which the People of Piscattaway did fformerly pur[chase] of and from one Daniell Peirce and was bounded out to them by him w^{ch} said bounds was approved [by] Phillip Carteret, then Governour and by his order was Recorded, moreover some of the Woodbridge men w[ere] prosecuted against by the plaintiffs, have acknowledged before the Court that they judge the Plaintiffs have sustayned wronge, and that they have right to a Third part of a Certaine Purchase of Land made by the said Peirce ffrom the sd Governour and John Ogden and Luke Watson which Third Part of Land (if could be obtajned) the Court doth strongly conjecture would satisfie the Piscattaway men.

By Order of the Court

J. HOPKINS Sec^r

Petition from the Inhabitants of Towns in New Jersey for Confirmation of their Privileges.

[From "N. Y. Col. MSS.," Secretary's Office, Albany, Vol. XXIII., p. 367.]

To the Honourable Governour Generall of New Netherlands and his Counsell at New Orange.

May your Honour please, the Lords Commanders and Counsell of Warr Agust in answer to a petition presented to them by the people and Inhabit-

ants of Elizabeth [towne] Newarke and Piscattaway did promise the petitioners should unmolested
 possess their Legall bought and payd for Lands which by the Governour should a ts forme be confirmed to them. And that the said Townes shall have allowed [them] the same privileges and freedoms that to the natural subjects and Duch nations shall be given: and that freedome & Liberty of Conscience shall be allowed to them according as the same is in the Nether Lands. This Confirmation According to forme (viz: That wee & our heires and assigns shall forever enjoy our Possessions and Purchased bounds in After Coll., in the tenure of freeholders and Rightful Possessours aud Inheritors thereof) your Honour's petitioners do humbly desire may be granted to them according to former Promisse. Soe shall you greatly oblige your humble petitioners.

Newark, June 29. 1674.

In the name of the Towne,

JOHN BROWN Jun^r Recorder.

For Elizabeth Towne

JACOB MELYEN

In the behalf of the Towne of New Piscattaway

DANIELL DENTON.

Commission of Major Edmund Andros¹ to be Governor of New York.

[From "New York Colonial Documents," Vol. III., p. 215.]

JAMES Duke of Yorke and Albany, Earle of Ulster, &c
 Whereas it hath pleased y^e King's most Excellent Ma^{ty} my

¹ EDMUND ANDROS, Seigneur of Sansmarez, was born in London December 6th, 1637. His ancestors were from Northamptonshire, but in the sixteenth century became connected with the island of Guernsey, and by marriage the hief of Sansmarez came into the family. Edmund, with some of his immediate family, having continued loyal to Charles the Second, during all the disturbances of the period, was rewarded by being made Gentleman in Ordinary to Elizabeth Stuart, Queen of Bohemia, the King's aunt; and subsequently distinguished himself in the war against the Dutch, which ended in 1667, and in 1672 was commander of the forces in Barbadoes, and was con-

Sovereigne Lord and brother by his Lett^{rs} Patents to give and grant unto Mee and my heyres and assignes all that part of ye Maine Land of New England beginning at a certaine place called or knowne by y^e name of St Croix next adjoyneing to New Scotland in America and from thence extending along y^e sea Coast unto a certaine place called Pemaquin or Pemaquid and soe up the River thereof to y^e furthest head of the same, as it tendeth Northwards and extending from thence to the River Kinebequi and soe vpwards by y^e shortest course to y^e River Canada northwards. And also all that Island or Islands comonly called or knowne by y^e severall names of Matowacks or Long Island scituate lying and being towards y^e West of Cape Codd and y^e Narrow Higansetts abutting upon y^e maine land betweene y^e two rivers there called or knowne by y^e severall names of Conecticut and Hudsons River together also wth y^e said river called Hudsons River and all y^e land from y^e West side of Conecticut river to y^e East

sidered as particularly well versed in American affairs. In April of that year Andros was promoted to be major of a regiment of horse, directed to be armed "with the bayonet or great knife," this being its first introduction into the English army. In the same year, in consideration of his public services, he had the dignity of a Landgrave of Carolina bestowed upon him by the Palantine and Proprietors, with 48,000 acres of land. His father died in 1674, and he became Seigneur of the Fiefe and succeeded to the office of Balliff of Guernsey. The same year, his regiment having been disbanded, he was commissioned by the King to receive New York and its dependencies from the Dutch, in accordance with the treaty of peace, and was appointed Governor General of that province. He arrived at New York in November, 1674, accompanied by his wife. Having returned to England in November, 1677, he was knighted by Charles the Second the following year, and in May sailed again for New York, bringing with him as his Chaplain the Reverend Charles Wolley, A. M. Arriving on the 7th of August, he resumed the government and administered it until 1681, when he was ordered to England, and the following year was sworn Gentleman of the King's Privy Chamber. In 1686, James the Second appointed him Governor Captain General and Vice-Admiral of New England; and in 1688 New York and New Jersey were also placed under his jurisdiction. An acquaintance with the local histories of the different colonies plainly reveals the unpopularity of his administration of their affairs—New Jersey not being excepted. He was deposed from his position in New England in 1689, in consequence of the success of the revolution in favor of William and Mary, and sent home in 1691. He continued, however, in favor with the Court, and in 1692 was appointed Governor of Virginia, and continued there until 1698, having succeeded in administrating the affairs of the colony in a way to secure the favor of the people. In 1704, Queen Anne conferred upon him the government of Guernsey, which he held for two years. He was then appointed Balliff, and held that office until his death, in 1714, aged 76; which occurred in the parish of St. Anne, Westminster. Although married three times, he left no issue. See note of Dr. O'Callaghan, "N. Y. Col. Docts.," Vol. II., p. 740. Ed.

side of Delaware Bay, and also all those severall Islands called or knowne by y^e name of Martine Vynyards and Nantukes otherwise Nantukett, together with all the Lands islands soiles rivers harbours mines mineralls quarries woods marshes waters lakes fishings hawking, hunting and fowling and all royalties, and proffitts comodities and hereditaments to y^e said severall islands lands and premises, belonging and apperteyning with their and every of their appurtenances ; To hold y^e same to my owne proper use and behoofe wth power to correct punish pardon govern and rule y^e inhabitants thereof by my selfe or such deputies Comiss^{rs} or officers as I shall think fitt to appoint, as by his Ma^{ties} said Letters Pattents may more fully appeare.¹ And whereas I have conceived a good opinion of the integrity prudence ability and fitnessse of Major Edmund Andros to be employed as my Lieutenant there. I have therefore thought fitt to constitute and appoint him y^e said Major Edmund Andros to bee my Lieut^t and Governour within y^e lands islands and places aforesaid to performe and execute all and every y^e powers w^{ch} are by y^e said letters Patents graunted unto Mee to be executed by Me my Deputy Agent or Assignes To have and to hold y^e said place of Lieutennant and Governour unto him y^e said Edmund Andros Esq^r but dureing my will and pleasure only, Hereby willing and requiring all and every y^e inhabitants of y^e said lands islands and places to give obedience unto him y^e said Edmund Andros Esq^r in all things accord-

¹ The commission to THOMAS DONGAN as Governor of New York, dated at St. James, September 30th, 1652, is of the same tenor as this commission to Andros, excepting that it includes, after the words "fully appeare," the following passage : " And whereas I have since for divers good causes and considera'ons by severall instrum'ts und'r my hand and seale bargained sold released and confirmed unto Sir George Carterett (late Vice Chamberlajne to His Ma'ts Household) and his heires, and unto Edward Billing and others and their heires, all ye tract of land (p'roell of ye p'rmisses) comonly called or knowne by the names of East and West New Jersey, scituate on the West side of Hudsons River according to certaine Boundaryes more particularly expressed in ye s'd sev'rall instrum'ts and und'r certaine rents and coven'ts as therein relacon being thereunto had may more fully appeare." Then follows the conferment of the authority upon Dongan to be his Lieutenant and Governor with. in the said lands, "except the said East and West Jersey." ED.

ing to y^e tenure of His Ma^{ty} Letters Patents. And y^e said Edmund Andros Esq^r to observe follow and execute such orders and directions as he shall from time to time receive from my selfe. Given under my hand and seall at Windsor this first of July 1674 ¹

By command of His
Roy^{al} Highness

James.
Goolden

*Decision of the Court Respecting Differences Between
Piscataway and Woodbridge.*

[From "N. Y. Col. MSS.," Secretary's Office, Albany, Vol. XXIII., p. 387.]

THE JUDGEMENT & DETERMINATION OF Y^E COURT OF
COMITTEES.

At a Court of Comittees holden at elizabeth town in
After Coll ye 17th & 18th days of July by a speciall Comis-
sion ffrom his honor ye Governor bearing date ye 16th of
July 1674 aforesayd ffor ye hearing & determining a case
in difference Between ye town of Piscattaway on ye one
part plentive and ye town of Woodbridge on ye other part
differ [dant] about their rights and titles of lands and
Madows in Contraversy have heard and examined ye plea
and proofs of both partys who did then and there produce
each other's rights by purchas as [certain] deeds &
evidences originally and by record did make to appear
. . . . together w^t their witnesses affirming & giving
testimony to many particular circumstances relating to ye
premises upon ye whole processe & plea of both parties the
Court doth ffind y^t the afforesayd plentives & defendants
have a just and right to each of them a tract of land con-

tayning upland & Meadows ffor ye settlement of each their plantations & that ye devisiion of ye bounds thereof hath been layd out by ye surveighors deputed & authorized by ye then Governor (ffor ye time being) of ye sayd place & province as by their records doth plainly appear but fforasmuch as it was acknowledgd by ye deffendants that their devisiion was never legally made by setling ye east bounds between ye towns ye court doth declare ye ground of difference to arise ffrom ye aforesayd surveiors who have not made that exact and equall devisiion they should have done to ye just satisfaction of both parties and therefore ye Court doth judge and determine that a sworn surveighor unconcerned to either party whom our governor shall think fit to appoint should make a just and exact devisiion of ye sayd lands & medows & each party according to their sayd rights to be quietly possessed thereof each party in the proces to bear there own charges unles it doth appear when the devisiion is made that either of ye sayd partys have intrenched upon each others limits & that whilst this devisiion is made they shall without molestation cut or mow their grass or hay within the limits of ye whole. This wee publish as our judgement & decree at elizabeth town as aforesayd this 18th day of July 1674.

By order of the Court as afforsed

A True Cobby

pr J. HOPKINS Sec'y.

*Warrant to Prepare a Patent to Sir George Carteret for
East Jersey.*

[From "New York Colonial Documents," Vol. III., p. 223.]

WHEREAS, the King my Sovereigne Lord and Brother hath beene pleased by his letters Patents under the Great Seal of England to give and graunt to me and my heires All that part of the main land of New England in America now called by the name of New York together with Long Island and severall lands and territories in the said Ire's

Patents more at large expressed; And Whereas I have thought fit to give and conferr upon Sir George Carteret Vice-Chamberlaine of His Ma^{ty} Household and his heires, All that tract of land adjac^t to New England and lyeing and being to y^e Westwards of Long Island and Manhatans Island, and bounded on the East part by the maine Sea, and part by Hudson's River, and extends Southwards as farr as a certaine Creeke called Barnegat, being about y^e middle betweene Sandy Poynt and Cape May, and bounded on the West in a streight lyne from the said Creeke called Barnegat to a certaine Creeke in Delaware River next adjoyning to and below a certaine creeke in Delaware River called Rankokus Kill, and from thence up the said Delaware River to y^e Northermost branch thereof which is in 41 Degrees and 40 minutes of Lat. and on the North crosseth over thence in a streight lyne to Hudson's River in 41 Degrees of Latitude; These are to will and require you forthwith to prepare a bill to passe my signature con- teyning a graunt of y^e aforesaid lands to the said Sir George Carteret and his heires, reserving the annuall rent of Twenty Nobles to me and my heires; and you are to insert such apt clauses as may make my said graunt effec- tuall in law to the said Sir George Carteret and his heires. Provided that this Warr^t be first entered with my Audit^r and for so doing this shalbe your Warr^t Given und^r my hand at Wydmsor this 23th of July 1674 JAMES

To S^r FRANCIS WYNNINGTON Knt: my Attorney Gen^{ll} or
Sir JOHN CHURCHILL my Soll^r Generall

*Lease from James, Duke of York, to Sir George Carteret,
for the Northern Half of New Jersey.*

[From Original in New Jersey Historical Society Library.]

This Indenture made the Eight & twentyeth Day of July in the Six and twentieth Yeare of the Raigne of our Sovereigne Lord CHARLES the second by the grace of God

of England Scotland France and Ireland King Defender of the faith &c Annoq Dom' One thousand Six hundred Seventy and fower ~~Between~~ his Royall Highnes James Duke of Yorke and Albany Earle of Vlster Lord high Admirall of Scotland and Ireland of the one parte, and S^r George Cartrett of Saltrum in the County of Devon Kn^t Vice Chamberlaine of his Ma^{ties} household of the other parte ~~Witnesseth~~ that his said Royall Highnes James Duke of Yorke for and in Consideracon of the sum'e of Tenn Shillings of lawfull money of England to him in hand paid before the ensealing and Delivery hereof by the said S^r George Cartrett forever by these presents ~~With~~ bargained and Sold and by these presents doth bargaine and sell vnto the said S^r George Cartrett ~~All~~ that Tract of Land adjacent to new England and lying and being to the westwards of long Island and Manhatam Island and bounded on the East parte by the said Maine Sea and parte by Hudsons River and extends Southward as far as a certaine Creek called Barnegatt being aboute the middle betweene Sandy point and Cape May and bounded on the West in a Streight line from the said Creek called Barnegatt to a certaine Creek in Delaware River next adjoyneing to and below a certaine Creek in Delaware River called Rankokus Kill and from thence vp the said Delaware River to the Northermost branch thereof which is in fforty one Degrees and fforty minutes of Latitude and on the North crosseth over thence in a streight line to Hudsons River in fforty One Degrees of Latitude which said Tract of land is hereafter to bee called by the name or names of new Ceserea or new Jersey, And alsoe all Rivers Mines mineralls woods fishings hawkins hunting and fowling, and all Royalties proffitts co'modities and hereditaments whatsoever to the said Lands and premisses belonging or apperteyning with their and every of their Appurten'nces, and the Reverc'on and Reverc'ons Remainder and Remainders thereof ~~To have and to hold~~ the said Tract of Land and premisses with their and every of their Appurten'nces vnto the said S^r George

Cartrett from the day of the date of these presents vnto the full and terme of One whole yeare from thence next ensuing and fully to bee compleate and ended **Holding and paying** therefore vnto his said Royall Highnes' James Duke of Yorke his heires or Assignes the Rent of a Pepper Corne vpon the ffeast of the Nativity of S^t John Baptist which shall be in the yeare of our Lord God one thousand six hundred Seaventy and ffive only (if the same shall be lawfully demanded **In Witnesse** thereof the parties to these presents have Interchangably sett their hands and seales the day and yeare first above written.

May it please yo^r Royal Highnes
this contains a bargaine of sale
for a year from yo^r Royal Highnes
to S^r George Carteret of y^e lands
above menc'oned

JAMES

ffRA: AVINNINGTON.

[On the back.]

Sealed and delivered in presence of

WINDESOR
JO WERDEN

*Release from James, Duke of York, to Sir George Carteret,
for New Jersey.*

[From Original in Library of New Jersey Historical Society.]

This Indenture made this Nine and twentyeth day of July in the Six and twenty'th yeare of the Raigne of our Soverayne Lord Charles the second by the grace of God of England Scotland France and Ireland [King] Defender of faith &c Annoq. D'no One thousand Six hundred Seaventy and fflower **Betweene** his Royall Highnes **James** Duke of Yorke and Albany [Earl of Vlster Lord] High Admirall of Scotland and Ireland of the one parte, and S^r George Cartrett of Saltrum in the County of Devon Kn^t Vice

[Chamberlain] of his Ma^{ties} [household] of the other parte
~~Whereas~~ his Ma^{tye} King Charles the second by his Letters
 Patents vnder the great Seale of England bearing date the
 twenty ninth day of June in the twenty sixth yeare of his
 said Ma^{ties} Raigne ~~Did~~ for the Considerac'ons therein men-
 c'oned give and grant vnto his said Royall Highnes James
 Duke of Yorke his Heires and Assignes ¹ All that parte of
 the maine Land of new England begining at a certaine
 place called or knowne by the name of S^t Croix next
 adjoyning to new Scotland in America and from thence
 extending along the Sea Cost vnto a certaine place called
 Pemaquine or Pemaquid and soe vpp the River thereof to
 the furthest 'head of the same as it tendeth Northward
 and extending from thence to the River of Kenibeque and
 soe vppwards by the shortest Course to the River Canada
 northwards And alsoe all that Island or Islands com'only
 called by the severall name or names of Matowacks or long
 Island scituate and being towards the west of Cape Codd
 and the narrow Higansetts abutting vpon the maine land
 betweene the two Rivers there called or knowne by the
 severall names of Conectecutte and Hudsons River, To-
 gether alsoe with the said River called Hudsons River and
 all the Land from the west side of Conectecutte River to
 the east side of Delaware Bay, And alsoe severall other
 Islands and Lands in the said Letters Patents menc'oned,
 Together with the Rivers Harbours mines mineralls quar-
 ries woods marshes waters ffishings Hawking hunting
 and fowling and all other Royalties proffitts com'odities
 and hereditaments to the said severall Islands lands and
 premisses belonging or appurteyning ~~To have and to hold~~
 the said Lands Islands hereditaments and premisses with
 their and every of their Appurten'nces vnto his said Royall
 Highnes James Duke of Yorke his heires and Assignes for
 ever To be holden of his said Ma^{ty} his heires and Succes-

¹ This was a renewal of the first grant, given after the restoration of the country by the Dutch. It may be found, printed at length, in "Grants and Concessions," p. 41. Ed.

sors as of the Mannors of East Greenwich within the County of Kent in free and com'on Soccage **Yeilding & Paying** to his said Ma^{ty} his heires and successors of and for the same Yearly and every yeare fforty Beaver skins when they shall be demanded or within Ninety days after with divers other grants clauses provisoes and agreements in the said recited Letters Patents conteyned as by the said Letters Patents relac'on being therevnto had it doth and may most plainely appeare. **Now this Indenture witnesseth** that his said Royall Highnes James Duke of Yorke for and in considerac'on of a Competent sume of good and lawfull money of England to his said Royall Highnesse in hand paid by the said S^r George Cartrett before the sealing and delivery of these presents the receipt whereof his said Royall Highnes James Duke of Yorke doth hereby Acknowledge and thereof doth acquitt and discharge the said S^r George Cartrett his heires and Assignes for ever by these presents **hath** granted bargained sold released and confirmed and by these presents doth grant bargain sell release and confirme unto the said S^r George Cartrett his heires and Assignes for ever **All** that Tract of Land adjacent to new England and lying and being to the westwardes of long Islands and manhatom Island and bounded on the East parte by the maine Sea and parte by Hudsons River and extends as Southward as far as acertaine Creeke called Barnegatt being aboute the middle betweene Sandy point and Cape May and bounded on the west in a streight line from the said Creeke called Barnegatt to acertaine Creeke in Delaware River next adjoyning to and below acertaine Creeke in Delaware River called Rankokus Kill and from thence by the s^d Delaware River to the Northmost branch thereof which is in forty one degrees and forty Minutes of latitude, and on the North crosseth over thense in a Streight line to Hudsons River in forty one degrees of Latitude w^{ch} said Tract of Land is hereafter to be called by the name or names of new Cesarea or new Jersey And alsoe all Rivers mines mineralls woods

fishings hawking hunting and fowling and all royalties proffitts co'modities and hereditaments whatsoever to the said Lands and premisses belonging or appurtenyng with their and every of their Appurten'nces in as full and ample manner as the same is granted vnto the said James Duke of Yorke by the before recited Letters Patents, And all the Estate right title interest benefitt advantage claime and demand of the said James Duke of Yorke of in and to the said Lands and premisses or any parte or parcell thereof and the Revere'on and Revere'ons Remainder and Remainders thereof All which said Tract of Land and premisses were by Indenture bearing date the day before the date hereof Bargained and Sold by the said James Duke of Yorke vnto S^r George Cartrett for the Terme of one whole yeare to comence from the Eight and Twentyeth day of July next before the date hereof under the Rent of one pepper corne payable as therein is menc'oned as by the said Deed more plainly may appeare by force and virtue of which said Indenture of Bargaine and Sale, and of the Statute made for Transferring of Vses into possession the said S^r George Cartrett is in actuall possession of the said Tract of Land and premisses and enabled to take a grant and [Release] thereof the said Lease being made to that end and purpose **To have and to hold** All and singuler the said Tract of Land and premisses with their and every of their [Appurten'nces and every parte and parcell thereof] vnto the said S^r George Cartrett his heires and Assignes to the only Vse and behoofe of the said S^r George Cartrett his heires and Assignes forever [yeilding and paying therefore vnto the] said James Duke of Yorke his Heires and Assignes for the said Tract of land and premisses yearly the sume of Twenty Nobles of lawfull money of England [if the same] shall be lawfully demanded att or in the Inner Temple-hall London att the feast of S^r Michaell the Archangell yearly **And** the said S^r George Cartrett for himselfe his Heires and Assignes doth Covenant and grant to and with the said James Duke of yorke his heires and

Assignes by these presents that hee the said S^r George Cartrett his heires and Assignes shall and will well and truly pay or cause to be paid vnto his said Royall Highnesse James Duke of Yorke his heires and Assignes the said yearly rent of Twenty Nobles at such tyme and place and in such manner and forme as before in these presents is expressed and declared *Provided* allwaies and vpon this Condic'on that the said S^r George Cartrett doe cause a Copy of this grant and Demise to be entred with the Auditor of his said Royall Highnesse within one month next after the Execuc'on of this present grant and Demise *In witness* whereof the parties to these presents have Interchangeably sett their handes and Seales the day and yeare first above written.

May it please yo^r Royal Highnes
this contienes a release from y^r Royal
Highnes to S^r George Carteret and
his heires of y^e lands above menc'oned

JAMES

ffRA : AVINNINGTON

[On the back.]

Sealed and delivered in presence of
WINDESOR
JO: WERDEN

*Directions, Instructions and Orders to Governor Philip
Carteret and his Council, and the Inhabitants of East
Jersey, by Sir George Carteret.*

[From the Original, in the Library of the New Jersey Historical Society.]

DIRECTIONS INSTRUCTIONS and ORDERS made and Given
by the Right Hono^{ble} Sir George Carteret Kn^t & Baronet
Vice Chomberlain of His Ma^{ties} household and one of His
Ma^{ties} most honourable Privy Councill, Lord Proprieto^r of
the Countrey or Province of New Cesarea or New Jersey,
together wth a Declaration by him made of the true intent

& meaneing, and an Explanation of Severall Articles of the Concessions formerly made by him and the Lord John Berkley, Dated the tenth of february in the Yeare of our Lord one thousand & Six hundred Sixty-fower to bee observed by the Governo^r and Councill and Inhabitants of the said Province.

WHEREAS During the late Warr between His Ma^{ty} and the Dutch the Countrey of New Yorke and New Jersey and other adiacent parts was Conquered by them, whoe have since in pursuance of the Treaty of Peace restored all the said Countreys to His Ma^{ty} And His Ma^{ty} having been since pleased to Grant the same by his Letters Pattents to His Royall Highnesse the Duke of Yo^rke; And His said Royall Highness haveing since by Deed Dated the twenty eight Day of this instant July Granted to vs our heires & assignes all that Tract of Land adiacent to New England and lying & being to the Westward of Long Island & Manhatans Island and bounded on the East parte by the Maine Sea and part by Hudsons River and extends Southward as farr as a certaine Creeke called Barnegatt being about the midle between Sandy point and Cape May and bounded on the West in a Straight Lyne from the said Creeke called Barnegatt to a certaine Creeke on Dellaware River next adioyneing to and below a certaine Creeke in Dellaware River called Renkokus Kill and from thence vp the said Dellaware River to the Northermost branch thereof w^{ch} is in forty one Degrees & forty minutes of lattitude and on the North Crosseth over thence in a Straight Lyne to Hudsons River in forty one Degrees of lattitude, which said Tract of Land is to be Called New Cesarea or New Jersey, Now Wee being willing to settle and establije the peace & wellfair of the said Countrey or Province have made these Directions Instructions and Orders, and alsoe the Delaration & Explanation of Severall Articles as ffolloweth . . .
 . . . WEE being made very Sensible of the great Disorder in our said Province occasioned by severall persons to the great preiudice of our selfe, our Governo^r & Councill and

all other peaceable & well mynded Inhabitants wthin our said Province by Claymeing a Right of Propriety both of Land & Government; Wherefor Wee Doe heerby

1 . Declare, first, That all Lands Granted by s^d Governo^r to the twenty eight of July one thousand Six hundred Seaventy two & confirmed in our Name by Pattents or Charters vppon Record in our Secretaries office vnder s^d Province Seale Signed by him & the maior parte of his Councill shall remaine to the particular owners thereof their Heires &c for ever wth all the benefitts p^rfitts & priviledges therein contayned, they performing what they are obliged vnto, in every of the said Respective Pattents

2 or Charters: SECONDLy, ffor Such as pretend to a Right of Propriety to Land & Governmen^t wthin our Province by Virtue of any Pattent from Governo^r Coll Richard Nicholls as they ignorantly assert Wee vtterly Disowne any such thing; A grant they had from him vpon such condic^ons w^{ch} they never p^rformed and by the said Graunt they were obliged to Doe & p^rforme such act & things as should bee apointed by His Royall Highness or his Deputies whose power remained in vs by virtue of a Pattent from His said Royall Highness bearing Date long befoure those Grants, w^{ch} hath beene often Declared by our Governo^r and since owned vnder the Signe man'uall of His Royall Highness bearing Date the twenty fifth of November one thousand six hundred Seaventy two, and Demanded their Submission to our Authority & to Pattent their land from Vs, & pay our quitt Rent according to our Concessions, w^{ch} if they had Done or shall yet Doe; Wee are content they shall Enjoy the Tract or Tracts of Land they are Settled vpon, Provided it hath not beene taken vp contrary to our Order, and that it bee not to the preiudice of the rest of the Inhabitants & to have such other priviledges & imⁿunities as s^d Governo^r & Councill & they shall agree v^pon; But if such persons as have not already receiued Pattents of their lands from Vs, shall not wthin one year after notice to them given of this our pleasure therein &

accept Patents of their said lands, Wee Doe hereby order s^d Governo^r & Council to Dispose of such lands or tenem^{ts} in whole or in parte for our best advantage to any other persons; And if any person or persons Doe thinke they have in Justice or wrong Done them by this o^r positive Determination, they may adress themselves to the King & Council and if their Right to that Land or Governm^{ts} apeares to bee better then ours Wee will readily Submitt

3. ~~thervnto~~—THIRDLY, our order is that those persons that were the Cheife Actors in attempting the makeing of an alteration in our Governm^{ts} bee proceeded against according to a Declaration of our Governo^r and Council bearing Date the twenty-eight Day of May one thousand six hundred Seaventy two, exept they shall Imediatly vpon the publication hereof make their adresses to our Governo^r and Council for Remission of their offences and that all psons that have Sustayned loss or Damage by mayntaining our Just Rights & interest Since the twenty Sixth day of March one thousand Six hundred Seaventy two may have reparation in Law wth their Charges they have & shall bee att in any Court or Courts in o^r Said Province that are or shall be constituted & Commissionated by Speciall Com[']ission from our Governo^r according to a Declaration by our Governo^r & Council bearing Date the third day of Aprill one thousand six hundred Seaventy two—

4. ~~ffowertly~~; That all Grants of Land, Conveyances, Surveys or any other pretences for the hold of Land whatsoever wth in o^r Said Province that are not Derived from Vs according to the prescriptions in o^r Concessions & entred vpon Record in our Secretaries office in our Said Province, Wee Declare to bee Null & void in Law.—

5. ~~ffifthly~~ That if any person refuse or omitt to pay or Deliver his Rent due to us & arrear since the twenty fifth Day of March one thousand six hundred & Seaventy to the Constable of the respective town or Jurisdiction where the Land for w^{ch} the Said Rent is Due Doth Lye at Such tyme & place as the Said Constable shall ap[']oint or

if any pson shall refuse or omitt to pay or Deliver his Rent w^{ch} hereafter shall become Due to vs at Such tyme as the Same shall become Due & at Such place as the Constable of Such towne or Jurisdiction shall ap'oint, that then it shall & may bee Lawfull for the Said Constable or his Successors to Distrayne the goods & Chattells of such pson Soe refusing or omitting & to Sell the Same, rendering the overplus besides the rent arrear of the Costs & Charges of Distraying to the party; And Wee Direct that the Constable shall pay the Rent hee shall receive or raise to our Receiver Generall, And Although our Concessions Say it shall be payd in currant or lawfull monney of England yet at the request of our Governo^r & Council Wee will accept of it in Such M^rchantable pay as the Countrey Doth p^rduce at M^rchants price to the Value of Monney Sterling: And if by this meanes Wee cannot obtaine our Rent, then the Marshall of the Province shall be impowered as above said to collect & raise the Same at the Charge of Such the Inhabitants as Doe refuse or omitt to pay at the tyme & place as aforesaid—

6 6th That all matters and causes w^{ch} have been tryed in our Province by Speciall Com[']ission from our Governo^r vpon w^{ch} Judgem^t hath passed according to Law bee allowed by vs and bee forthwith put in Execution—As to the Inhabitants of Newsinks Considering their faithfullness to the Lords Propreitors, That vpon their Petition their townships shall bee Surveyed and shall be incorporated & to have equall privilidges with othe Inhabitants of the Province, and that Such of them who were the pretended pattentees & layd out their monney in purchaseing Land from the Indians shall have in consid[']ation thereof five hundred Acres of Land to each of them to be allotted by the Governo^r & Council in Such places that it may not be preiudiciall to the rest of the Inhabitants; And because there is much barren land, after Survey taken the Governo^r and Council may give them allowance—That the Governo^r & Council shall allow Eighty acres p['] head to

Such psons as come to Settle neer Dellaware River or any place above tenn myles from the Sea or from any other River navigable wth boates; to those that come to Settle neerer Sixty acres as before—That the Governo^r & Council shall have power to Settle the ffees of Secretary, Surveyor^r Generall Marshall & all other officers of Court.—That vp'on our Governo^r's arrivall there in our Said Province, Wee require, that wth what speed may bee, all lands not yet Surveyed by our Surveyo^r Generall, whether in townships or privat Plantations bee forthwith Surveyed & Pattented, whereof you are to keep an exact Record & Send mee a Coppie of the whole attested vnder the Governo^r's & the maior parte of the Councils hands, and for what land you shall Grant for the future, lett mee have a Coppy thereof once every year attested as aforesaid,—That the Land is to bee purchased from tyme to tyme as there shall bee occasion by the Governo^r & Council from the Indians in the name of the Lord Proprieto^r and then every individuall person is to reimburse the Lord Proprieto^r at the Same Rate as it was purchased together wth the charges—That Wee the Lord Proprieto^r will build a Prisson & a house for the Keeper at our own pper cost and Charge, out of the pduct of the quitt Rents where the Governo^r & Council shall thinke fitt; and wee will Send over guns & am'unitiion as a Magazin; but all other charges are to bee Defrayed by the Countrey, and that all writts bee issued in His Ma^{ties} name, except the Sum'oning of Burgesses w^{ch} is to bee in our Name.—That in Case of appeales for England the appealant bee bound to pay all cost & charges if Cast, and vpon the ap'eale shall pay as a fyne to the Judge twelve pounds besides all cost & Dam'ages adiudged against him in the Province & to give in Security of a hundred pounds there for psecuting the Same wth in Eight Months.—That all strays of beasts at Land & wrecks att Sea belong to Vs the Lord Proprieto^r and that all psons that shall Discover any Such thing shall have Such Sattisfaction for their paynes & care as the Governo^r and Coun-

cill shall think fitt—That the arrears of the Quitt Rents of Elizabethtowne, Newarke, New Piscattaway & the two townes of Newsinks & all other plantations that have not payd since one thousand six hundred & Seaventy bee paid to our Receiuer Gennerall at the Rate of a halfe pen'y a yeare for every acre besides the growing Rent till the arrears be Sattisfyed.—Whereas the Gen'errall Assembly hath hitherto made noe pvision for the Suport and maintaynance of the Governo^r according to the Concessions, It is Required that y^e Gen'errall Assembly at their first Sitting Doe take effectuall course for the Sattisfying him for his arrears & make pvision for Maintaynance & Suport for the future.—And whereas Wee have Given o^r present Governo^r Phillip Carteret Esq^r two thousand acres of land in o^r Said Province And because it is improper for him to Signe any Grant made to himselfe Wee Doe therefore order & Authorize o^r Councillo^rs or any five or more of them to signe one or more Grant or Grants to the Said Phillip Carteret of the Said Lands to bee chosen & taken vp by him in Such one or more place or places as he shall think fitt, and that they Doe alsoe cause y^e Seale of y^e said Province to bee affixed to Such Grant or Grants w^{ch} being Done Wee doe heereby Declare shall bee as good & effectuall to all intents & purposes as if Wee o^r Selfe had Signed the Same or as if the Govern^r & Councill had Signed any Grant to any oth^r pson—

A DECLARATION of the true intent & meaneing of the Lord Proprieto^r and Explanation of the Concessions made by John Lord Berkley and My Selfe to the Adventurers & planters of New Jersey.—

THAT as to the Sixth Article ; That it shall bee in the power of the Governo^r & Councill to admitt of all psons to become ffreemen of the said Province wthout the Gen'errall assembly, but noe pson or psons whatsoever shall be accounted a ffreholder of the said Province nor have any Vote in Ellecting nor be capeable of being Ellected for

any office of trust either Civill or Military untill hee Doth actually hold his or their lands by Pattent from Vs y^e Lord Proprieto^r and that the Granting & confirming of Corporations shall bee in the power of the Governo^r & his Council.—As to the Eight Article, It shall bee in the power of the Governo^r & Council to approve Such Ministers and Preachers as shall bee nominated & Chosen by the Severall Corporations wthout the Gen^l Assembly and to Establish their maintaynance Giveing liberty Besides to any pson or psons to keepe & maintayne what preachers or ministers they please.—CONCERN^{ING} THE GEN^{ERALL} ASSEMBLY, That it shall bee in the power of the Governo^r & his Council to appoint the tyme & place of meeting of the Gen^l Assembly and to adiourne y Sum^{on} them together again when & where hee and they shall See Cause.—To the third, That it is to bee vnderstood; that it is in the power of the Governo^r & Council to institute & apoint Courts in pticular Corporations already Settled wthout the Gen^l Assembly; But for Courts of Sessions & Assize to bee Constituted & Established by the Governo^r Council & Representatives of the Province together; and that all appeales shall be made from the Assizes to the Governo^r and his Council and thence to the Lord Proprieto^r from whom they may appeale to the King—To the nyynth Article: That the Governo^r & his Council may Dispose of the allotments of Land to each pticular pson wthout the Gennerall Assembly according to o^r Directions as hee & they shall thinke fitt.—CONCERNING THE GOVERNO^R: As to the Second & third Articles; All officers Civill and Military (except befour exepted) bee Nominated and apointed by the Governo^r and Council wthout the Gen^l Assembly vnless hee the Said Governo^r & Council shall see occasion for their advice & assistance.—As to y^e fowerth Article. In Case of fforraigne Invasion or intestine Muteny or Rebellion, it shall bee lawfull for the Governo^r & his Council to call in to their ayde any pson what Soever, whether ffreeholders or not—That in y^e

Sixth Article Concerning the Regular laying out of Lands, Rules for building each street in townships & quantities of ground for each house lott, the Same is left to the freeholders or first Vndertakers thereof as they can agree wth the Governo^r & Councill, & not to the Gen^{erall} Assembly, but to bee layd out by the Surveyo^r Gen^{erall}.—That all Warrants for Land not exeeding the pportions in the Concessions being only Signed by y^e Governo^r and Secretary shall bee effectuall in case his Council or any part of them bee not present—WEE the LORD PROPRIETO^r Doe intend Thatt in all Assemblies, The Governo^r and his Councill are to Sitt by themselves, and the Deputies or Representatiues by themselves, and whatsoever they Doe ppose; to bee presented to the Governo^r & his Councill, and vpon their confirmation to pass for an Act or Law, and to Remaine in force when Confirmed by Vs—And Lastly; Wee doe heerby Grant, Order & Direct, That the Concessions made Signed & Sealed by the Lord John Berkley and My Selfe beareing Date the tenth Day of february one thousand Six hundred Sixty fower, shall still Continue and stand in force & bee kept, mayntained & pformed in all & every the parts & Articles thereof vnto the Said Province, Exept Such of them, and in Such manner as the Same or any parte thereof are altered or Explayned in or by these p^{res}ents, or in, or by any former Orders & Instructions Sent vnder the hands of the Said Lord Berkley & My Selfe, or vnder my owne hand alone; Given vnder my hand and the Seale of the Province att Whitehall this one & thirtieth Day of July in y^e yeare of our Lord one thousand Six hundred Seaventy fower And in the Six & twentieth yeare of the Reign of o^r Sovereigne Lord Charles the Second; of England, Scotland, ffrance & Ireland King, Defender of the faith &c—

[SEAL.]



*Proclamation of the Governor and Council, Convening a
General Court, March 9th, 1675.*

[From "East Jersey Records," Book III., p. 106.]

Order for a Generall Court to be helde the 9 March
W^t severall other orders.

PROVINCE OF NEW JERSEY

BY THE GOVERNOUR, AND COUNCELL

WHEREAS the late past Distraction of Times occasioned first by y^e Mutiny of severall Malecontent Inhabbit^{ts} and then by the Arrival of the Dutch forces in our Neighbour Collony, giveing opportunity to those Seditious Spirritts to cover theire former guilt with the Mantle of Treason, & leading in an Innovation of Authority hoping to shrowd themselves from the hand of Justice by inviteing an Enemy to protect them; By w^{ch} meanes the whole frame of our Government hath beene disjointed, and oblidged our Lo^d Prop^r at his great Expence to obtaine New Orders from his Maj^{ty} our Gracious Sovereigne & his Royall Highness for Reestablishing the Government here and having his order thereunto sent over his Maj^{ty} Letter, Pattents, and Commands, not only to his Subjects in generall but likewise to the Governour & Councell in pticular to Conforme to & performe the Orders and Instructions of our said Prop^r Whereby wee finde oursellves not oblidged to countenance the Comissionating any pson or persons to any Office Millitary or Civill who have not pattented their lands &c nor to yeild the priviledge of a Corporation to any other waies qualified then the said Orders of our said Proprietour doth allow Yet finding a Necessity of preserveing the peace of the Collony & support^t the good subjects thereof, as well in their Estates as persons. It is hereby ordered by the Authority aforesaid That a generall

Court be holden at y^e place commonly called Elisabethtowne, the same to beginn the second tuesday in March next being the ninth day of the said moneth to audite and determine all matters whatsoever within the power of a Court of Oyer and Terminer.

That the Gentlemen of the Councill being the present Magistracy of the province approved by our Sovereigne Lord the King his R: H: and our Lord Proprietour, be in their respective places of aboad ordered and appointed to grant out Warr^{ts} as well for the said Court as to supress any disturbance & to p^rserve the peace of the Collony.

And for the assistance of the said Magistrate It is hereby ordered by the Authority aforesaid that for the Inhabbit^{rs} in the place called Newark M^r Thomas Johnson be appointed and sworne by Cap: W^m Sandford as Constable with the formall oath of Allegiance, and the oath proper to that office.

That M^r John Woodroff in like manner be sworne Constable for the Inhabbitants of the place called Elisabethtowne.

For the Corporation of Woodbridge John Blumfeld to be sworne as aforesaid by Capⁿ Bollen Secy: or Capⁿ Pike—

For the Inhabbit^{rs} of the place called New Piscattaway Francis Drake in like manner to be sworne by Capⁿ Pike or Capⁿ Bollen

For the Inhabb^{ts} of the place called Midleton Richard Hows to be in like manner sworne by Capⁿ Pike or Capⁿ Bollen

For the Inhabb^{ts} of the place called Shrewsbury Peter Parker to be sworne as abovesaid

For the Inhabb^{ts} of the Corporation of Bergin Hans Dedrick to be in like manner sworne by Capⁿ Berry, the same to be in every pticuler place performed by the severall Magistrates wth all possible speed—

For the necessary Reimburseing such persons as have bene at Charge for supporting and preserveing the Lord Prop^{rs} Interest in this province It is Ordered by the

Authority aforesaid that M^r: Samuell Moure as Provost Marshall of this province doe forthwith demand & receive the Moneys formerly amerced at the last Court held at Bergen the 26th day of June 1673, as allso others upon the like Crime convicted at a preceeding Court held at Elisabeth towne the 8th of March 1671,

And upon refusal of paym^t to seize and arrest the bodies of the said Offender, and them secure in the common Goale appointed for this Province untill the sume be Satisfied and paid without Baile or Mainprize—

And all Constales of every respective part of this Province are hereby required to assist the said Marshall in prosecution of this Order and to Command such other Assistance as the necessity of the affairs may require, and all Inhabbit^{es} of this Province are hereby required to yield Obediencee thereunto.

And for the speedier accomplishing the Lord Prop^{rs} orders in settling the Govern^t of this province as well Millitary as Civill and for rendring the Inhabbit^{es} qualified as well for a Generall Assembly as Elective for other Offices It is hereby ordered by the Authority aforesaid that the Surveyo^r: Gen^l: or his substitute shal attend & remaine at Newark from the beginning to the end of March ensuing for running out and surveying Land there, in order to pattering the same—

At Elizabeth towne aforesaid hee the said Surveyo^r: Gen^l: or his substitute is to attend as aforesaid from the first day of Aprill untill the 15th day of May following.

At New Piscattaway in like manner from the 15th day of May untill the 15th day of June following—

At Nevesinks from the 15th day of June untill the end of August following viz for ye two townes there

And all the fore mentioned places, intended Townshippes or Coporations are hereby required according to the severall appointed times to have in readiness such attendance as is requissitt for the said Surveyo^{rs} use, daily to be maintained

by the respective places in that employment untill the work be finnish'd.—

But if doth hereafter appeare that the Remisness of them Inhabbitants have occasioned the failure in the Surveys or that immediately thereupon the severall Lands be not Patented, then the Govern^r and Councell doe by these Ord^rs conclude themselfes wholly acquitted from the Malicious censure of Riggour for prosecuting the Lord Prop^rs Com^{ds} in dispossessing those that shall be therein Neglectvil, the same haveing beene for severall yeares past persuaded, and the Work now as much as may be facilitated,

Dated at Elizth towne the 11th Decemb^r 1674.

*Sir Joseph Werden, Secretary to the Duke of York, to
Governor Andros.*

[From "New York Colonial Documents," Vol. III., p. 229.]

St James's Feby y^e 13th 1674

[*Extract.*] P. S. I had almost forgott to tell you y^t we have as yet done nothing towards y^e adjusting Sir George Carterett's pretentions in New Jersey, where I presume you will take care to keep all things in y^e same posture (as to y^e Dukes prerogatives & proffitts) as they were in your predecessors time untill you shall hear of some alterac^{ions} agreed to here.

*From Governor Andros to Captain Cantwell, Regarding
Indian Affairs.*

[From "New York Colonial Documents," Vol. XII., p. 518.]

CAPT. CANTWELL

New York March 27. 1675

Yo^s of the 20th I received yesterday, to which I gave you an answer the same Houre, by Capt. Krigiers Sloope, then ready to saile; This is by yo^r owne expresse, that I have inquired into the businesse of After Cull, and cannot find that there is any more in it, than an Indyan drinking him-

selfe dead, at a House near Raritans River there being three more with him, very rude, which frightened very the woman, her children and a man (her husband being absent at Woodbridge) nor did they know of the said Indyans death who was (as I am told) found dead in the woods; so I doubt this is rather a pretence than a real cause of their keeking off and refusing to comply with our just demands concerning the murder of Doctor Rhodes and his man. You have done very well to give notice all over the River to bee upon their guard; But that you will do well to proceed no further against them (if it may be avoided) until I come, when (I hope) we may accommodate all or take such effectuall courses, as shall be adviseable and fit to bring them to reason. You do not say any thing of an Indyan, who I heare had lately his ribs broke by an Inhabitant in the River, of w^{ch} hee dyed; Which if so may be a great cause of their present actings. But if the Magistrates have done their parts, in examining and doing justice therein, as the case might require, there can be no more expected, otherwise if any such thing hath happened, and the prosecucon neglected, bee sure it be done affectually without delay though not demanded by the Indyans, or though they should have complied before this comes to you. I thought to have begun my Journey to you by this time, but my not being very well, the spring very backward, the Kings ships not yet gone, I did think to put off my journey, till the latter end of the month or the beginning of May, but now as I shall heare from you, shall hasten it accordingly, and do designe bringing with me, about forty or fifty men, and to go by the upper way to the falls I hope you have prohibited all manner of distilling corne, as well as its transportacon, if not, I pray that it be done presently. I am Yo^r very Loving friend.

To Capt. EDMUND CANTWELL
Schout of New Castle in
Delaware



From Governor Andros to Captain Cantwell on Indian Affairs.

[From "New York Colonial Documents," Vol. XII., p. 519.]

S^r I have this afternoone rec^d yo^r Lre of the 19th by Walker and sent by your expresse; In which you give me an Account of the Murder of two Christians about the 8th of this instant, about Milstone River and that it should be done by the brother of him that lately dyed at After-Cull; I think it something strange that at the writing yo^r former Letters of the 14th and 16th, which I received by M^r Osborne, neither you nor the said Osborne in his Journey should have heard nothing of it; This is to lett you know that the 20th inst. three of the Nevisans Sachemakas, were here with me, and about thirty of their people with them; and did not onely conclude a peace with them, but they did also engage, neither to harbor or have any thing to do with any of the Indyans, that should happen to be our enemyes and particularly those beyond them. Now upon the receipt of this last Lre of y^r, I have advised with my council and sent to Governor Carteret to desire him to send by expresse to the Indyans to know the truth of the murder, and if so, by whom, the manner and cause, without declaring any further intent, and give mee a present answer. As also that he will give order for horses for our journey to Delaware, to be ready at furtherest the last instant about w^{ch} time I thinke of setting out froin here, though I had not intended till the 4th of the next and shall (as afore) come by the way of the falls, where you may meet mee on Tuesday the 4th, or if yo^u shall be there sooner and thinke good, may come on towards or to Milstone River, as you proposed; In the meantime I think there needs no further order, but y^t you looke to yo^rselves and give no just offense, or cause of suspicon to the Indyans; But as to James Sandyland (if you are not sure of his being

criminally guilty) you ought to have had a Court, that he might have had a Legall Tryall, and so either be justly detained, punisht or releast. Therefore if you have time, let it be done before you come, having had no other meaning, nor (I think) given any other direcons in my former letter. As to his being out upon Bayle (if he be not criminal), it cannot be denyed him. Pray let there be as little noise or talke of the Indyans concernes in yo^r party as may be.

I am yo^r Loving friend

April 23^d 1675

E. ANDROS

Conference Between Governor Andros, the Magistrates at Newcastle, Del., and the Indian Sachems of New Jersey—Renewal of the Treaty of Peace—S. Edsall, J. Helme and Lance Cock, Israel Helme, Interpreter.

[From "New York Colonial Documents," Vol. XII., p. 523.]

At Newcastle May 13th 1675

Vpon an Appearance of the Indyans before the Go: & the New Magistrates, in the afternoone. They were those who came in morne, with M^r S. Edsall, Isr. Helme, and Lanse Cock. The names of the Chiefs were Renowewan of Sawkin on the Eastern side, Ipan Kickan of Rancokeskill, Kit-marius of Soupnapka, Manickty of Rancokeskill heretofore all of N. Jersy side. The Governo^r declares his desire to continue in friendship with them & his readiness to protect them, & thanks them for their coming down.

They by Israel Helme the Interpreter expresse their readiness to continue in good friendship, & return their thanks to the Gov.

They are told that it is not, that the Govern^r wants their help—if the other Indyans will bee bad, he can deale well enough with them, but now is wishing to be kind to those that will live quietly and well.

They believe so they say.

They are told they must not kick the beasts or swine

belonging to the Christians & the Christians shall not doe them any injury, but justice shall be done as they might see to-day in the case of Jam^s Sandylands.

The first sachem rises up & walks up & down taking notice of his old Acquaintance P. Rambo & Peter Cock, Lansa Cock with C. Cantwell then taking a band of sewant, hee measured it from his neck to the length downward & said his heart should bee so long & so great to the Gov. & the Christians & should never forget the Gov. so presents the belt of wampum, throwing it at the Gov. feet

The next rises up & professing much friendship & thanks to the Gov. for his kind expressions p^rsents another belt of wampum.

The Gov. tells them the two belts shall be kept as bands of friendship between them.

The belts of sewant were written upon, to be kept in token of a continuance of Peace.

The first belt was 15, t^other 12 wampum high.

The Gov. presents them with 4 Coates & 4 lappeloathes

They return thanks and fall a kintacoying with expressions of thanks, singing *kenon, kenon*.

Affidavit as to the Number of Families in New Jersey on the Arrival of Governor Carteret.

[From "New York and New Jersey Boundary Papers," Vol. I., in New York Historical Society Library.]

AFFIDAVIT OF SILVESTER SALISBURY.

SILVESTER SALISBURY of New Yorke Gent. maketh oath that in or about the yeare 1665; he being then at New Yorke, there arrived Philip Carteret Esq^r at New Jersey in America in a Ship called the Philip w^{ch} s^d ship was 100 tuns & had then aboard her about 30 servants & severall goods of great value, proper for the first planting & settling of the Colony of New Jersey & this deponent sayeth that

at the time of y^e arrival of the s^d ship there were about four families in New Jersey (except some few at New Sinks that went under the nomen of Quakers) and that y^e s^d Philip Carteret after his arrivall there landed y^e s^d servants and goods & applied himselfe to y^e planting and peopling of y^e s^d Colony & that he sent diverse persons into New England & other places to publish y^e Concessions of y^e L^{ds} Propriet^{rs} and to invite people to come & settle there, whereupon & within a years time, or thereabouts severall p^rsons did come wth their families and settled there in severall townes; And this Deponent sayth that he believes there would few or none have come thither if the s^d Philip Carteret had not settled himselfe as afores^d & brought such goodes & sent such Messengers as afores^d. And this Deponent sayeth that y^e s^d ship remained there about six months, & then went to Virginia, England & other places & about a yeare or more after returned to New Jersey where she remained for severall months; And this Deponent sayth that the s^d Philip Carteret at his arrival did declare & owne that the s^d ship servants & goods did belong to the R^t Hon^{ble} S^r George Carteret & were sent by him for the beginning and encouragem^t of the peopling and planting of the s^d country; And farther sayeth that the s^d S^r George Carteret did send severall other Vessels thither particularly a Ketch whereof Peter Bennet was master Anno 1673 laden wth wines and severall other English goods

SILVESTRE SALISBURY

Jurad 4^o die ffeb' 1675 coram
me en Cancellar Magester

Jo: COTT

[An affidavit follows, by Peter Smith, "Gent of New York," similar in all respects to the foregoing; and a third one, from "Edward Sackville of Westminster Gent," also similar down to the words "several months," and then proceeds as follows: "And further sayeth that to his certaine knowledge the s^d Philip Carteret did pay unto the Indians

in goods to a considerable value that they might enjoy their land quietly otherwise they could not have inhabited the same.

EDW. SACKVILLE

“ Jur 24^o die ffebry 1675

cora : M'gro en Can.

W^m BEVERSHAM ”

[Indorsed on the back.]

“ A Writing of great concernment ”¹

Note of the Arrival of John Fenwicke² and Family in West Jersey, in June, 1675.

[From Book No. 4 of Salem Deeds.]

The Ship called the Griffin arrived in Delaware River in which s^d Ship came these Persons hereafter named,

¹ See “ Proceedings New Jersey Historical Society,” Vol. I., 2d Series, p. 162. Ed.
² JOHN FENWICKE, of Bynfield, Berkshire, England, was a student at law at Gray's Inn, Middlesex County, in 1640. He was commissioned a major in Cromwell's army in 1648, and appears to have exercised considerable influence in promoting Cromwell's interests. It is presumed that he had some supervision of the execution of Charles I., as he had a commission empowering him to be present thereat with a squadron of cavalry. In 1649, from a certificate in the possession of the New Jersey Historical Society, it appears that he belonged to the Independent Congregation, of which John Goodwin was the pastor, but subsequently withdrew from them, and embraced the forms, discipline and creed of the Friends. It is thought that, as one of that body, he had been subjected to sufficient persecution to induce him to look to America as a secure retreat, leading him, in conjunction with EDWARD BYLLYNGE, also a Quaker, to purchase Lord Berkeley's interest in New Jersey. The deed therefor was dated March 18th, 1673-4. It conveyed the half of the province to John Fenwicke, in trust for Edward Byllynge and his assigns, and on the 6th of August, 1680, the transfer was confirmed by the Duke of York. Byllynge, who was styled “ Gentleman of Westminster, Middlesex, England,” becoming much embarrassed, nine-tenths of this interest was assigned to trustees for the benefit of his creditors, and his relations with Fenwicke were far from friendly, although William Penn and other distinguished Quakers sought to arrange their difficulties. It is presumed that he came to New Jersey in 1683, as in that year he had some land allotted to him in Burlington for his own residence. He was one of the twenty-four Proprietors to whom East Jersey was confirmed by the Duke of York in March, 1683; but parted with his interest therein soon after to Daniel Coxe, of West Jersey. He died in 1687. Fenwicke arrived in West Jersey, as stated in the text, in 1675. His wife, Mary Burdett, (thought to have been his second one, and not the mother of his daughters, who was Elizabeth, daughter of Sir Walter Covert), did not accompany him. He was subjected to much annoyance from the Dutch authorities and from Governor Andros, of New York, as the documents in this volume plainly show. He died some time between August, 1683, and April, 1684, having previously parted with all his landed estate in the province. See Johnson's Memoir in “ Proceedings of Historical Society,” Vol. II., p. 53; Johnson's “ Salem;” Smith's “ New Jersey;” Mulford's “ New Jersey;” “ East Jersey under the Proprietary Governments,” 2d Edition. Ed.

being the first English Ship that was bound to this part of the Province, Viz^t Jn^o Fenwick Esq. of the County of Berks, late Proprietor of Salem Tenth in the Province of New West Jersey dec^d.¹ with him 3 Daughters, Elisabeth Anna & Priscilla; Also Jn^o Adams Husband of the s^d Elizabeth of Reading in the County of Berks Weaver, & 3 Children, Elizabeth aged 11 years, Fenwick aged nine years, & Mary Adams aged 4 years. Edward Chamneys Husband to the said Precilla, of Thornbury in the County of Gloucester Joiner & 2 Children, John Aged about . . . years, & Mary . . . years Old, with 10 Servants viz^t Rob^t Turner, Gervis Bywater, William Wilkinson, Joseph Worth, Michael Eaton, Elinor Geere, Sarah Hutchings, Ruth Geere, Zachariah Geere, Ann Parsons.—Servants to the s^d Edw^d Chamneys viz^t Mark Reeve, Edward Webb & Elisabeth Waites.

*Council Minute—Major Fenwicke Before the Council, in
Regard to his Claims on Delaware.*

[From "New York Colonial Documents," Vol. XII., p. 545.]

At a Council May 3^d 1676

PRESENT: The Governor
Capt Brockholes
Capt. Dyre The Secretary
Govern^r Carteret
Majo^r Fenwyck

Major John Fenwyck businesse about the land in New Jersey on the east side of Delaware River was discourst of, butt suspended

Presentment of Samuel Leete Against John Fenwicke.

[From N. Y. Col. MSS., in Secretary of State's Office, Albany, Vol. XXV., p. 242.]

Samuell Leete, who aswell (&c) presentate John Ffenwick

¹ This record, certified by "Rob^t Burchan pro. Secret'y," is without date, and does not give the date of the original entry, which must have been after Fenwicke's death. The names of the persons do not correspond with those given by Smith in his "History of New Jersey," p. 79. Ed.

late of Bynfields in the county of Berks Eng^l in the kingdom of England for yt he the said John fenwicke the tenth day of August 1676 and divers times before and since wthout any Right or Tytle wth fforce and Armes Ryotously and Routously wth fenwicke Adams & Richard Handcocke and severall other persons hath possessed himselfe of a large tract or paroll of Land Lying and being wthin the bounds and Lymmitts of his Royall Highness, James Duke of Yorke his Pattent from his Maj^{tie} that now is for certaine Lands in America and assuminge upon himselfe to be Lord Chiefe Propriet^r (&c) of the same hath Granted to sevrall Persons great tracts of Land and taken sevrall sumes of monies for the same and disturbed sevrall of his Maj^{ties} Subjects not only in the Possession of their Estates but Ryotously and Routously with fforce and armes pulled down and destroyed some building and Dwelling & making void their Estates of Inhabitants in their peacable and quiet Possession in their Messuages Landes and Tenem^{ts} And Other damage to them hath done to the hindrance of the publique peace and in contempt of the Lawes and Lib^{ties} of his Maj^{ties} subjects. All w^{ch} Acting are Contrary to the peace of our Souverayne Lord the King therefore prays that this Co^t will p'ceede against him the said John according as the Lawe directes in such Cases (&c)

The Governor's Special Warrant Against Major John Fenwicke, of Delaware.

[From "New York Colonial Documents," Vol. XII., p 559.]

BY THE GOVERNOR

Whereas I am credibly informed, That Major John Fenwicke, now living at the East side of Delaware River doth pretend and give himselfe out to bee Proprietor of that side of the River and hath presumed to act accordingly, graunted Land extravagantly, dispossessed persons in those parts, sold their land, arrogating to himselfe a

Power of Judicature, and hath given out Lycences for distilling contrary to the order settled in the River; By which means hee hath inveigled some persons from other parts, and distracts the mindes of the Inhabitants, thorow out the whole River and Bay, not having any Lawfull Power or Authority. You are therefore without delay, to repaire over the River, to the said Major Fenwick, and all other places on that side, to informe yourself of the truth of the above Particulars, and to forewarn any such of the danger and premuniry they incurre; And if the said Major Fenwicke hath acted as alleged, That you summon him in his Ma^{ties} name to appeare without delay; to answer the same before mee and my Councill in this place, in default at his utmost perill; and yo^r selfe to make a due returne of this Warrant; and in case of any opposicon by doing yo^r duty, by going from place to place, on the said Accompt, All his Ma^{ties} subjects are required to be Aiding and Assisting to you; for which this shall bee to you and every of them, a sufficient warrant:

Given under my hand and seale in New Yorke, this 25th day of Sept. Anno 1676

E. ANDROS

To Capt. EDMOND CANTWELL, Sheriff of Delaware.

Proceedings of the Government of New York in Relation to the Settlement and Jurisdiction of Major John Fenwicke in West Jersey, December 5th, 1675, to October, 1678.

[Copied for the New Jersey Historical Society from the Records at Newcastle, Del., by Col. Robert G. Johnson, of Salem.]

At a Council held in New York December 5th 1675

The letter from Captain Edmond Cantwell being taken into consideration concerning the arrival of M^r Fenwicke and others at Delaware with their appertenances. . .

Resolved, that M^r Fenwicke having no order (which if he had, ought to have been brought first and recorded here)

is not to be received as owner or Proprietor of any land whatsoever in Delaware, but to be used civilly, paying all duties as others his Majesty's subjects in those parts, and if he or any of the persons that come with him desire land to the Westward that there be assigned them fitting proportions as to others, and due return made of the surveys.

As to any privilege or freedom of custom or trading on the East shore, none to be allowed in any Case to the smallest vessel, boat or person.

HIS HONOR GOV^r EDM^d ANDROS's letter to the Commander and Justices of New Castle, in answer to their letter sent the 8th of November 1676

GENTLEMEN

I have received your letters of the 8th by the express sent hither, with several other papers and writings relating unto Major John Fenwicke's actings on the East side of Delaware river by his granting Patents for land and refusing to obey my special warrant &c. as also touching your more particular affairs; whereupon having taken advice of my Council I have thought fit (it importing his Majesty's service, and the good and quiet of those parts and Inhabitants,) That Major John Fenwicke be sent hither with the first convenience; and if there be occasion that the Commander and you the Magistrates do use force for seizing upon and sending him.—And there being no lawful authority for his giving forth Patents for land, those sent hither are not to be returned back for the present, but the persons who have paid their monies for them may have their remedy at law against the persons that gave them before he departe out of custody.

As for Jean Paul Jacquett who has been dispossessed of some land on the East side of Delaware river of which he was in possession at the last coming in of the English government, he is to be repossed and you are to take order

about it, and (if occasion) the Commander is to assist therein.

To the Commander and the Court of New Castle in Delaware.

At a Meeting of the Commander and Justices held in the town of New Castle on Friday the 8th day of December 1676

Captain John Colier	Commander	
M ^r John Moll		} Justices
M ^r William Tom		
M ^r Foppe Outhout		
M ^r Jean Paul Jacquett		

Captain John Colier by his speech declared to the court, that in pursuant of his honor the Governor's orders to him, he had on the fourth past sent a friendly and civil letter with the under sheriff to Major John Fenwicke, shewing that he had received orders from his said honor and desired him to come to New Castle upon which the said Fenwicke sent a letter in answer refusing to come & &—as by the said letter produced in Court more plainly did appear—further declaring that he the said Captain Colier had been in his own person on the seventh part with the said Fenwicke at his house—where coming, none of his company were suffered to come in the house but himself as when he delivered to the said Fenwicke in substance as followeth—
Speech—

That he the said Colier had not questioned—according to his letter sent the fourth past—but that he would have come over with the undersheriff, or at leastwise have sent a more satisfactory answer, but since he the said Fenwicke still stood out by which he had given him the trouble to come over in person, did therefore give him to understand that it was his honor the Gov^rs order to have him the said Fenwicke to come and appear before him and Council at New York—which long before he had understood by his said honor's special warrant sent to him, and therefore desired

him now in all civility without further trouble to obey the said orders—there being now a fit opportunity for his going.

MAJOR FENWICKE'S ANSWER—

Upon which Major Fenwicke replied—

That he did not know that the Governor of York had any thing to do with him, and that he would obey nothing but what shall come from his Majesty the King or his Highness the Duke of York, and was resolved not to leave his house without he was carried away either dead or alive, and if any one dare come to take him, it was at their peril, and he would do their business :—and after the said Captain Colier went out, suffered him not to come in again, but keeping his door double bolted, spoke to him out of a small scuttle hole at the end of the house. Captain Colier declaring further to the Court, that, he seeing that the said Major Fenwicke was and continued so refractory and stood upon his defence, and further considering that the magistrates by his Honors order were equally in the business concerned with him, thought best to take their advice before he would proceed to rigour which was now the occasion of calling the Court &c &c . . .

The Court having considered and maturely deliberated upon the orders from his Honor the Governor, to them and also the orders from his honor the Gov^r to Captain John Colier in particuar, do JUDGE it necessary since the said Fenwicke in contempt to his Honors orders stands out upon his PERM, That force be used, and he the said Fenwicke taken and sent to York to his Honor with the first sloop, for the doing whereof they are willing to give forth their warrant, &c.

AT a Meeting of the Commander and Justices for the apprehending of Major Fenwicke. By the Commander and Court at New Castle. In Delaware.

These are in his majesty's name to empower and appoint you Lieutenant Johannes De-Haes, M^r Michill Baron and

M^r George Moore undersheriff of this place to levy twelve soldiers out of any of the Militia of this River, and with them to repair to the house of Major John Fenwicke to bring by force before us to this town of New Castle upon Delaware, giving and hereby granting unto you and every of you full power and authority to pull down break, burn, or destroy the said house for the apprehending of him the said Fenwicke—And further to act and use all or any forceable act or acts as the expediency of the time shall offer to your Judgement withall giving and hereby granting to you and every of you and every respective soldier under you, full power in case of resistance or presenting any gun or guns to your detriment to fire upon him the said Fenwicke or any others so presenting or intending to shoot and if in the case he the said Fenwicke or any other resisting shall happen to be killed, you and every of you shall be hereby absolutely and freely discharged and held innocent, as being done in pursuant of the Dukes Lieutenant's order and of us by his honor's order recommended.

Given under our hands at New Castle in Delaware this 8th day of December 1676—Signed

JOHN COLIER
JOHN MOLL
WILLIAM TOM
FOPPE OUTHOUT
JEAN PAUL JACQUETT

At a private Court held in the town of New Castle
May 9th 1678

M ^r John Moll	} Justices
M ^r Foppe Outhout	
M ^r Jean Paul Jacquett	
M ^r Gerrett Otto	

The Justices upon occasion of Major Fenwicke's making of some new alterations on the East side of the River and other concerns, did this day meet in the Fort, in order of

writing to New York according to his honor, the Gov^r last sent orders in his letter.

Captain Edmund Cantwell declares that he living in New Salem (alias Swamptown) the 30th day of April 1678 where Major John Fenwicke had ordered a meeting of the Inhabitants of the East side of this River—he the said Fenwicke did then appoint some officers viz Samuel Hedge Surveyor General, James Nevill to be secretary, Samuel Winder Register—and declared he would nominate and appoint other officers at his leisure, and caused his said secretary to read several papers as his Majesty's Patent to his Royal Highness and his Royal Highness to the Lord Berkely, and a copy as he said of the Lord Berkely as to him the said Fenwicke with several other papers which the attestant did not mind—and after the reading of all these papers he the said Fenwicke demanded in his Majesty's name the superiority and the submission of the people here as his right and propriety—After his demand he brought a paper upon the table in the form of an Oath or some such thing, which several of his people or officers signed—After they had done, I told him that the most part of the people that was there did not know what was read—He answered me that they could know well enough to take his land. I also told him that there was a small Levy laid by the Collector upon the people on that side—He said the Collector had no power to lay no Levy on that side, and said whosoever did pay any Levy should forfeit their lands and privileges—I asked him if he would bear them out and see them harmless—he said he would give under his hand to answer it before the King, and said that the people should stand on their own defence if any body came to demand it—And also did forbid M^r Foppe Outhout not to act any thing in the behalf of the Court of New Castle upon the forfeiture of his estate—I told him that his Honor the Gov. had commissioned him the said M^r Outhout, and was still pleased for to continue him He said the Gov. had nothing to do on that side and that he was subject to no man by

God and the King—he also said that he would do or act nothing without the advice of his Council which he would nominate very suddenly, with several more speeches which the attendant doth not now remember. . . .

Justice Foppe Outhout declares to have been present with Captain Cantwell and to have heard in substance the same that is hereabove declared by the said Captain Cantwell. Mr Machiel Baron and Renier Vanheist sworn in Court—declare in substance to have heard and seen the same as herebefore by Captain Cantwell is declared—

Johannes Van Jimmen sworn in Court declares that being present at the house of one Gillis Giljansen at the East side of this river, some time in the last of the month of April last past—at which time Major John Fenwicke came there, who demanded why the deponent and the rest that were there did not come at New Salem (as others did) to acknowledge him, meaning himself to be Lord and Proprietor of the place—Upon which they answered him saying, how they could own him so long as they paid Levy, to wit 12 guilders 10 stivers per head at New Castle Court. Whereupon he the said Fenwicke replied saying, that all those who paid the same should never enjoy a foot of land on the Easteren shore and further saith not—

RIGHT HONB^{LS} GOVERNOR

Sir, we hope before sight hereof, your honor will be safe returned, which happy news we do much long for. The inclosed Testimony, and informations given us concerning the new alterations made by Major John Fenwicke since his last return from N. York on the East side of this river are the chief occasions of this account writing, which said Testimonies we hope your honor will be pleased to pursue and to give us your speedy order what and how we shall act in and about the same. We likewise send your honor here inclosed the Copies of our former and last order concerning the estate of one Francis Barints deceased, there being several persons who are debted to the said estate in

this river whereof Captain Cantwell has received one cow and twenty skipple of wheat, for which he is ready to be accountable to your honor—And Captain Colier a screw gun and Captain Billop now securing the same persons de novo, who formerly have paid, and we being uncertain whether the brother of the deceased (who was expected) be dead or alive we therefore desire your honor's order how safely to act further therein. Finally, since your honor's departure, there have happened several complaints of the country concerning several strange actions of your Commander Captain Billop, which hath occasioned some disputes and differences between us and your said Commander—we knowing it to be our duty not to suffer the poor Commonalty to be oppressed, which all to relate would be too long¹—Wherefore we shall refer that until we are certain of your honor's arrival as when we are intended to depute one of our Bench to treat with your honor about that and other material concerns—So having no more at present to enlarge, we remain Right Honb^{le} Gov^r

Your hon^s most humble subjects & servants

JEAN PAUL JACQUETT,

JOHN MOLL,

JOHN MOORE

GERRITT OTTO,

FOPP OUTHOUT

New Castle May 9th 1678

The Superscription was.

To the Right Honb^{le} Mayor EDMUND ANDROS ESQ^r Governor General under his Royal Highness James Duke of York & Albany, of all his territories in America, or in his absence to the Honb^{le} Captain MATTHIAS NICHOLS Secretary and the rest of the Honb^{le} Council at New York—These—

¹ This "Capt. (Christopher) Billop," ("son of Christopher Billop Gent of London,") was commissioned as Lieutenant of the New York troops in 1674. Either for the misconduct mentioned in the text, or something similar, he was subsequently superseded. It is presumed that it was his son—a Captain Christopher Billop, of the British Navy—who obtained a patent for a thousand or fifteen hundred acres on the southern shore of Staten Island, and whose daughter married Christopher Farmer—better known during the Revolution as Colonel Billop—who took his wife's name on inheriting the estate. "Contributions to the Early History of Perth Amboy." Ed.

THE LETTER from the honb^{le} Council at N. York in answer to the letter of this Court sent the 9th of May last past.

GENTLEMEN, Yours of 9th Instant arrived the beginning of the week which not having had the happiness to find the Governor returned was communicated to the Council upon consideration of the new alteration made by Major John Fenwicke on the East side of the river—perusal of the testimonies and informations given concerning the same. They have thought good to make the inclosed order which they desire you will do your part to see it put in execution (if occasion) but with as little mischief as may be. Captain Billop is written too likewise concerning the same.

The matter of Frans Barentzen was not well represented by Captain Billop to Captain Brockhols, who supposing the accident of his death was very lately, and it being likewise intimated that he having no heir, the estate he left did belong to the Duke as an escheat, he gave order to Captain Billop to secure what he had, and give account of the same, but upon further information that the said Frans Barentsen died several years ago, and that the Court hath formerly taken cognizance of the said estate, and the Governor having likewise been made acquainted therewith, they do not think fit that Captain Billop should any further concern himself therein, but that you prosecute what you had begun and give account thereof to the Governor. If the deceased had a brother (as suggested) he can have no preference after the disposal of it; otherwise a year and six weeks being past and no claim made which is the time limited by law.

There hath been an address from Captain Cantwell in the name of his son, resigning all the right, title and interes^t his son might have to the estate of William Tom deceased by virtue of his will, and desiring it may be sold at a public vendue for the payment of his just debts—But tho' he may have preference before the rest of the creditors next to Captain Delaware who hath judgement and

execution against the said estate, the Council do think it reasonable that the said estate belonging to M^r Tom be sold for the payment of his debts, but are not willing to alter the course of the law which gives directions how debts should be paid—That is, Statutes and Judgements first—then bonds and specialties—after that book debts and other claims. If any thing after that shall be left the son of Captain Cantwell may have it. The sooner M^r Thom's estate be sold the better, after some weeks notice for the complaint made by the commonalty against the commander Captain Billop—we are not willing to intermiddle therein the rather for that you signify your resolution to send some of your Bench to the Governor after his arrival to treat with him about that and other material concerns. This having as near as may be answered the particulars of your letter, I take leave and remain

Gentlemen

your most humble servant

By order of the Council

MATTHIAS NICHOLLS

The superscription was to the Justices of the Court of New Castle—These

Here followeth the order of Council sent inclosed in the abovesaid letter from New York. At a Council held in New York May 22^d 1678

UPON the receipt of letters from the Magistrates of the town of New Castle in Delaware about the alteration begun to be made by Major John Fenwicke on the East side of the River where contrary to his engagement and parole he hath acted by assuming a pretended power to himself. The same being taken into consideration to prevent any mischief that may happen upon that account. IT IS ORDERED, that a messenger be forthwith sent express to the Commander and Justices of New Castle in Delaware who are to give notice to the said Major Fenwicke, that according

to his parole he forbear the assuming any power of government to himself on the East side of Delaware river or any where else in those parts unless he can produce more authentic power out of England so to do than he hath yet done, which ought first to be made known to the Governor in this place—and in case of refusal the said Commander and Justices are hereby required to order him to come to New York within the space of days to make answer to what shall be alledged against him on that behalf and for breach of his parole which if he deny to do, that then the said Commander and Magistrates, together with the sheriff do use force to seize his person and send him hither without delay.

By order of the Council

(Signed)

MATTHIAS NICHOLLS

In pursuant to the aforesanding order of the Council, the following letter was sent to Major John Fenwicke.

MAJOR FENWICKE,

We have by an express from New York received order from the Honb^{le} Council to give you notice that according to your parole, you forbear the assuming any power of government to yourself on the East side of Delaware river on any where else in those parts unless you can produce more authentic power out of England, so to do than you have yet done, which if so you ought then first to have made it known to the Governor in New York upon which we expect your present answer with this messenger.

remaining Sir your affected friends

(Signed)

CHRISTOPHER BILLOP

JOHN MOLL

PIETER ALRICHS

New Castle June 3^d 1678

P. S. We desire you not to fail in sending your answer by reason we are to dispatch the express back to New

York by tomorrow at Night—The inclose we received
under coverts by the express

VALE

The superscription was "To Major JOHN FENWICKE at
New Salem

The Copy of Major Fenwick's letter sent back by Thomas
Woollerton undersheriff—

MY FRIENDS AND NEIGHBOURS,

In answer to yours of this date concerning an express therein mentioned from the Council of New York to whom my reply is this—That the cause of my long imprisonment which is not unknown to them was because I would never be persuaded to give security, either to be of good behaviour nor to forbear acting in that public capacity in which I am authorised by virtue of the Kings letters Patent—the Dukes grant to John Lord Berkely and Sir George Carteret, and the Lord Berkeley's deed to me which were all produced before the Governor and his Council by the Commissioners that arrived at York the last of August; whereupon I had my liberty to come home without any obligation, and to return the 6th day of October following which accordingly I did to the hazarding of my life which is well known. And the Governor then told me he wondered I did come again and gave order I might return hither again about my lawful occasions—

It is well known likewise that I was made and detained prisoner to the Collector of assizes and by their favour and yours I cannot look upon myself to be obliged by my parole to appear with an order from the Court of Assize, the sheriff liberally importing the same and their order of Court being relaxed as to five hundred pound bond to be of good behaviour and not to act and my parole no ways engaging me thereunto, I am left at my liberty to act or not to act upon the Lord Berkeley's interest—and further that if I shall be found to be a transgressor against the King of England and his laws in the pursuance of the

peace and good settlement of my Colony according to his Majesty's formerly declared will and pleasures it will be time enough for me to suffer when I shall be by his Majesty's order required to answer for myself before him, to whom I am bound to give an account of what Judgment or sentences I give concerning the government of this colony within this province; and therefore I desire both the Council and you seriously to weigh the premises, and be assured of this I shall not be found backward to do my duty to the Kings majesty and every of his subjects both in time and place when thereunto legally required, and accordingly in the interim, I desire to enjoy what is my just and undoubted right—the peace of God and his majesty the King of England—and do in his name implore both their and your assistance therein until I shall be legally convicted of being a notorious offender of which I am in the least guilty thereof—and so I can in very much peace and confidence subscribe myself

His Majesty, loyal subject—the Council and
your peaceable neighbour and hearty friend

N. Salem 3^d of

J. FENWICKE

the 4th 1678

m.

A letter sent by the express back to New York directed to the honb^{le} Council—

HONOR^{BLE} SIRS,

Your letter by the express of the 25th of May last past, we received the 2^d Instant, together with the inclosed order—pursuant to which, we the day following sent a messenger over to Major J. Fenwicke with a letter whereof the copy is here inclosed, by which messenger he likewise in answer returned this his inclosed letter which we humbly refer to your honors consideration and that your honors may not be ignorant, the said Fenwicke doth proceed and assumes full power to himself sending on Saturday last his special warrant with 6 or 8 persons prest, to apprehend one John Eldridge &c—and doth by his several evidential expres-

sions declare that he will stand out, and that no man shall take him alive—no—not if the Governor came himself. What your honors do further resolve about him if in case directed to us, we desire that it may be absolute and sufficient,—for it is of opinion that he will hardly be taken without bloodshed or mischief. As to M: Tom deceased, we are sensible that there was an execution against his body, but not against the estate—Yet in case your honors do think it fit that the whole estate real and personal be sold—we then desire a more positive and absolute order for so doing, and it shall be readily by us performed. The inclosed for the Whore Kill, we have sent with the first opportunity that presented—which is all at present from Honr^{ble} Sirs—

Your honors most humble Servants

(Signed)

JOHN MOLL

JOHN MOORE

PETER ALRICHS

JEAN PAUL JACQUETT

GERRET OTTO

New Castle

Jun 5th 1678

The superscription was “ For the honb^{le} Captain MATTHIAS NICHOLLS and the rest of the honb^{le} Council In New York—These—

The Court adjourned their ordinary sitting again until the first Tuesday of the month of October next unless urgent or multiplicity of business should require their sitting sooner.

At a meeting of the Commander and Justices held in the town of New Castle July 17th 1678

Captain Hopher Billop Commander

M: John Moll

M: Peter Alrichs

M: Fopp Outhout

M: Jean Paul Jacquett

M: Gerritt Otto

Captain Edm^d Cantwell High Sheriff

The following letter from the Honb^{le} Council was this day read—viz—

GENTLEMEN.

Yours by the 5th by the return of the express sent to you by the Council arrived here the beginning of the week—but your answer gives very little satisfactory to any particular they write about as to the order concerning Major Fenwicke; The Council then did think and upon serious perusal of the same, again do find that it was absolute and full—it expressing that in case of his refusal to act in assuming a power of government to himself, ordering to come to New York according to his parole upon your summons, that then the Commander and you the Magistrates were to use force to secure his person and send him hither—so you needed not any new result to be directed to yourselves alone (it being thought fit to direct it to the Commander also) more absolute than the former which the Council think sufficient, so shall not alter anything therein but leave you to answer your neglect to the Governor, who is dailey expected, and all prejudice or mischief that may happen thereby to lie at your doors—they having done their duty—

THE AFORESAID letter from the Honb^{le} Council read and the business of Major Fenwicke taken into Consideration by the Commander and Justices of this Court, and Captain Billop signifying that his last living over at Salem the last week that there Major Fenwicke was willing to answer the Honb^{le} Council's order at New York, and that he will surrender himself at New York according to his parole—*Resolved and ordered* by the Commander jointly with the Court that Major Fenwicke in case he will give under his hand by a letter to the Council that he will not act by assuming any power of Government to himself on that side of the river or anywhere else, and that he within the space of seventy days promises to make his personal appearance at N. York according to his parole, that then he be

left there, but in case of refusal and that he doth not send a satisfactory answer, that then the Commander together with the High Sheriff press and take with them so many of the militia as they think fit and with them seize the said Fenwicke's person and send him to N. York without delay according to the order of the Honb^{le} Council.

Followeth the letter sent to Major Fenwicke
MAJOR FENWICKE.

Sir, Captain Billop signifying to us that you have altered your former resolution and that now you are willing to answer the order from the Honb^{le} Council of New York and that you will go and there surrender yourself according to your parole. Now therefore, if you will forbear the assuming any power of Government to yourself and within the space of 20 days will appear at New York and there surrender yourself according to your parole then signifying so much in a letter under your hand to the Honb^{le} Council in New York and send the same letter open to us under a Covert by this bearer, that so we may be positive of your resolution—

remaining Sir your affectionate friends—

(Signed)

CHRISTOPHER BILLOP

JOHN MOLL

PETER ALRICHS

FOOP OUTHOUT

JEAN PAUL JACQUETT

GERRITT OTTO

New Castle

17th July 1676

The Superscription was to
 Major JOHN FENWICKE at New Salem These

HONOR^{BLE} SIRS,

Your letter of 21st June last we received in answer to which we reply, that the occasion of our writing alone the 5th of the same month in which to our sorrow your Honors reply to receive so little satisfaction, was not that we desired to be only concerned without the Commander who much takes the part of and is a great friend to Major Fen-

wicke, but that which was writ then concerning Major Fenwicke we had out of the mouth of the said Commander; and his not signing of the said letter was by reason the other particulars therein mentioned concerned him not. By the enclosed copies your honors will see what result hath been taken by the Commander and us since the receipt of your letter, and since the Commander and High Sheriff have fetched the said Fenwicke to this town; and altho' it was supposed to be a more secure and better way to send him by water in this sloop, yet the Commander thinks it best to send him by land which he likewise hath obligeth to do.

Your Hon^{rs} most humble Subjects and servants

The Court of New Castle, by order of the same—

New Castle 24 July 1678

EPH^{rs} HERMAN¹

M^r: Machiell Barron for himself and in behalf of the other old Inhabitants of the Easteren shore, this day brought and produced in Court—a warrant from the right Honb^{le} Governor Sir Edmond Andros directed to this Court—the warrant being here following recorded

BY THE GOVERNOR

Vic—Whereas I have received several petitions and complaints from divers of the inhabitants of the East side of Delaware river, that have been disturbed in the lawful possession of their lands and tenements there by Major John Fenwicke and others. These are to desire and authorize you the Justices of the Court at New Castle to take care that the said inhabitants be not disturbed in their possession upon any pretence whatsoever by the said Major Fenwicke or others, and if occasion, to make me forthwith acquainted with the same.

Given under my hand in New York this 28th of October 1678 (was subscribed)

E. ANDROS

To the Justices of the Court at New Castle.

¹ Son of Augustine Herman, whose name is associated with the first Indian grant for a large portion of East Jersey. "Pennsylvania Magazine of History and Biography," Vol. IV. p. 101; "New York Genealogical and Biographical Record," Vol. IX., p. 58. Ed.

*Quintipartite Deed, Between Sir George Carteret, William Penn, Nicholas Lucas, Gawen Lawrie and Edward Byllynge, Dividing the Province of New Jersey into East and West Jersey.*¹

[From an Original in the New Jersey Historical Society Library.]

This Indenture Quintipartite made the First day of July Anno Dom 1676 And in the eight and twentieth yeare of the Reigne of our Sovereigne Lord King Charles the second over England &c^a &c^a BETWEEN S^r George Carterett of Saltrum in the County of Devon Knight and Barronett and one of his Majesties most Honorable Privy Councell of the first part William Penn of Rickmansworth in the County of Hertford Esq of the second part Gawen Lawry of London Merchant of the third part Nicholas Lucas of Hertford in the County of Hertford Maulster of the fourth part and Edward Billinge of Westminster in the County of Middlesex Gent of the fifth part Whereas our said Sovereigne Lord the Kings Majesty In and by his letters Patent under the Great seale of England beareinge date the twelfth day of March in the sixteenth yeare of his said Majesties Reigne for the Considerations therein mentioned Did give and grant unto his dearest Brother James Duke of Yorke his heires and Assignes ALL that part of the mayne Land of New England beginning at a certaine place called or knowne by the name of S^t Croix next adjoining to new Scotland in America and from thence extending along the Sea Coast to a certaine place called Pemaquie or Pemaquid And soe upp the River to the farthest head of the same as it tendeth Northwards And extending from thence to the River of Kimbequin And soe upwards to the River Cannada Northwards And also all that Island or Islands commonly called by the severall

¹ Differing from the boundaries specified in the conveyance of the Duke of York to Sir George Carteret, January 28-29 1674. ED.

Name or Names of Matowacks or Long Island scituate and beeing towards the West of Cape Codd And the narrow Higansetts abutting upon the mayne land betweene the two Rivers there commonly called or known by the severall names of Connecticute and Hudsons River together also with the said River called Hudsons River And all the Land from the West syde of Connectecute River to the East syde of DelaWare Bay And also all those severall Islands called or knowne by the names of Martins Vineyard or Nantucks otherwyse Nantukett Together with all the Lands Islands Soyles Rivers Harbours Mines Mineralls Quaryes Woods Marshes Waters Lakes Fishings Hawkinges Hunteing and Fowleing And all other Royalties proffitts commodities and hereditaments to the said severall Islands Lands and premisses belonging and appertaining with their and every their appurtenances And all his said Majestyes Estate Right Title and Interest Benefit advantage Clayme and demand of in or to the said Lands and premisses or any part thereof And the Reversion and Revertions Remynder and Remy'ders together with the yearely and other Rents Revenues and proffitts of all and singular the said premisses and every part and parcell thereof To Have and to Hold unto his said Majestyes said Deare Brother the said James Duke of yorke his heires and Assignes for ever to be holden of the Kings Majesty his heires and Successors as of his Majestyes Mannor of East Greenwich in his Majestyes County of Kent in Free and Common Soccage and not in Capite or by Knights Service under the yearely Rent of fourty Beavour Skynns to be paid unto his said Majesty his heires and Successors when they shall be demanded or within Ninety dayes after As by the said letters Patent relation beeing thereto had it may appeare In and by which said letters Patent His said Majesty did lykewyse Give and Grant unto his said Dearest Brother the said James Duke of yorke his heires deputyes Agents Commissioners and Assignes full and absolute power and Authority for the correcting punishing pardone-

ing Governeing and Ruleing such of the subjects of his said Majesty and of his heires and Successors as shall at any tyme adventure themselves into any the said parts or places or inhabite there according to such Lawes orders ordinances directions and instructions As by his said Majestyes said Dearest Brother or his Assignes shall be established And in defect thereof in Cases of necessity according to the Good Discretions of his Deputyes Commissioners officers or Assignes respectively aswell in all Causes and Matters capitall and criminall as civill both Marine and others in such manner and under such restrictions as is therein specified And to Doe exercise and execute all and every other the Powers and Authorityes therein mentioned as by the same letters Patent and the severall Powers and Authorityes thereby given and granted and therein specified it doth and may appeare And Whereas in and by two severall Indentures the one beeing and Indenture of Bargaine and Sale for the Terme one whole yeare and beareing Date the three and twentieth day of June Anno Dom^o one thousand six hundred sixty and four And the other beeing an Indenture of Grant Release or Confirmation and beareing date the four and twentieth day of the same month of June Anno Dom^o one thousand six hundred sixty and four And both of them made Betweene his Majestyes said dearest Brother the said James Duke of Yorke By the name of his Royall Highness James Duke of Yorke and Albany Earle of Ulster Lord High Admirall of England and Ireland Constable of Dover Castle Lord Warden of the Cinque Ports and Governour of Portsmouth of the one part And John Lord Berkeley Baron of Stratton and one of his Majesty's most Honorable Privy Councill and the said S^r George Carterett of the other part And by other good and sufficient conveyances and assurances in the Law duly executed recyting the said letters Patent herein before recyted And the severall and respective premisses thereby granted His said Royall Highness the said James Duke of Yorke for the considerations therein mentioned Did Grant convey

and assure unto the said John Lord Berkeley and S^r George Carterett their heires and Assignes forever All that Tract of Land adjacent to New England and lyeing and beeing to the westward of Long Island and Manhitas Island (part of the said maine land of New England beginning at S^c Croix mentioned to be granted to his said Royall Highness by the said therein and herein before recyted letters Patemt) bounded on the East part by the mayne sea and part by Hudsons River And hath upon the West DelaWare Bay or River And extendeth Soutward to the Mayne Ocean as farr as Cape May at the mouth of DelaWare Bay And to the Northward as far as the Northermost Branch of the said Bay or River of DelaWare which is in forty one Degrees and forty minutes of Latitude And crosseth over thence in a Straight Line to Hudsons River in forty one Degrees of Latitude which said Tract of Land was there after to be called by the name or names of New Caesaria or New Jersey And also all Rivers Mynes Mineralls Woods Fishing Hawkeings Hunteings and Fowleings And all other Royalties profitts Commodityes and Hereditaments whatsoever to the said Lands and premisses belonging or in any wyse apperteineing with their and every of their appurtenances in as full and ample manner as the same was or were granted to his said Royall Highness the said Duke of Yorke in and by the said therein and herein before recyted letters Patent And all the Estate Right Title Interest Benefitt advantage Clame and Demand of the said James Duke of Yorke of in or to the said Lands and premises or any part or parcell thereof And the Reversion and Reversions Remynder and Remynders thereof To Have and To Hold unto the said John Lord Berkley and S^r George Carterett their heires and Assignes forever under the yearely Rent or summe of Twenty Nobles payable unto his said Royall Highness the said James Duke of Yorke in manner as the same is reserved therein to be paid As in and by the said last recyted Indentures and Conveyances Relation beeing thereto had it may appeare And Whereas In and by

one certaine Indenture of Bargaine and Sale dated the eighteenth day of March Anno Dom one thousand six hundred seventy and three And in the six and twentieth yeare of his said now Majestyes Reigne made betweene the said John Lord Berkeley of the one part And John Fenwick of Binfield in the County of Berks Esq^r of the other part And duly enrolled in his Majestyes high Court of Chancery in England recyting the said herein before recyted letters Patent Indentures and Conveyances The said John Lord Berkeley for and in Consideration of the summe of one thousand pounds therein mentioned to have beene paid unto him by the said John Fenwyck and for other the considerations therein mentioned Did grant Bargaine sell and convey unto the said John Fenwyck his heires and Assignes **ALL** That the moyety or halfe part of him the said John Lord Berkeley of and in the said Tract of Land and premisses soe to be or there called by the names of New Caesaria or New Jersey and also all that his moyety or half part of all Rivers Riveletts Mynes Mineralls Quarries Woods Fishings Hawkeings hunteings Fowleings And all other Royalties Profitts Forts Franchises Libertyes Governments Powers Priviledges commodities Hereditaments and Immunityes whatsoever to the said Lands and premisses belonging with their and every of their appurtenances in as full ample and beneficiall manner to all intents and purposes as the same was granted to the said John Lord Berkeley and the said S^r George Carterett their heires and Assignes by his said Royall Highness the said James Duke of Yorke And all the Estate Right Title Interest Benefitt Property Clayme and Demand whatsoever of him the said John Lord Berkeley of in or to the said Moyety or halfe part of the said Lands and premisses or any part or parcell thereof by force virtue or meanes of the said therein and herein before recyted letters Patent and conveyances or either or any of them or otherwyse howsoever And the Reversion and Reversions Remynder and Remynders of the same To Have and to Hold unto the said

John Fenwyck his heires and Assignes forever to the only use and behoofe of the said John Fenwyck his heires and Assignes forever as by the said last recyted Indentures of Bargaine and Sale relation being thereto had it may appeare And Whereas in and by two other Indentures The one being an Indenture of Bargaine and sale for the Terme of one whole yeare and bearing date the ninth day of February which was in the yeare of our Lord God one thousand six hundred seaventy and four and made betweene the said John Fenwyck and Edward Billinge of the one part And the said William Penn Gawen Lawry and Nicholas Lucas of the other part And the other being an Indenture Tripartite of Grant Release or Confirmation beareing date the tenth day of the same Month of February Anno Dom^e one thousand six hundred seaventy and four And made betweene the said John Fenwyck of the first part The said Edward Billinge of the second part And the said William Penn Gawen Lawry and Nicholas Lucas of the third part And by severall other good and sufficient conveyances and assurances in the Law duely executed The said Moyety or halfe part of the said Tract of Land And the said moyety or halfe part of all and every other the said severall and respective premisses soe conveyed unto the said John Fenwyck as aforesaid whith all and every the Rights Members and appurtenances of the same were conveyed unto and remaine now vested in the said William Penn Gawen Lawry and Nicholas Lucas and their heires to the use of them and of their heires and Assignes forever (In which nevertheless the said Edward Billinge claymeth to have equitable Interest) soe as the said William Penn Gawen Lawry and Nicholas Lucas doe now actually stand seized of and in one undivided moyety or halfe part of all and every the said premisses soe granted unto the said John Lord Berkeley and S^r George Carterett as aforesaid as Joyntenants betweene themselves and doe now hold the same to them and their heires as Tennants in Common with the said S^r George

Carterett who is now actually seized of the other undivided moyety or halfe part of all and every the same premisses and doth now hold the Same to him and his heires as Tenant in Common with the said William Penn Gowen Lawry and Nicholas Lucas And Whereas They the said S^r George Carterett William Penn Gawen Lawrey Nicholas Lucas and Edward Billinge have agreed to make a partition betweene them of the said Tract of Land and of the said severall and respective premisses whereof they now stand soe seized as Tenants in Common as aforesaid And it hath been agreed betweene them that the said S^r George Carterett shall have for his share and Part of the said Tract of Land and of the said severall and Respective premisses to be holden by him the said S^r George Carterett his heires and Assignes forever in Severally as his full and equall part share and proportion Tract of Land and of all and every the said severall and respective premisses and to be from henceforth called knowne and distinguished by the name of East New Jersey ALL that Easternely Part share and Portion of the said Tract of Land and premisses lyeing on the East syde and Eastward of a straight and direct Lyne drawn through the said premisses from North to South for the divideing and makeing a partition or separation of the said Easternly part share and portion from the Westerly part share and portion of the same Tract of Land and premisses as is herein after particularly described And that the said William Penn Gawen Lawry and Nicholas Lucas shall have their share and Part of the said Tract of Land and of the said severall and respective premisses to be holden by them the said William Penn Gawen Lawrey and Nicholas Lucas their heirs and Assignes in severally as their full and equall part share and proportion of the said Tract of Land and of all and every the said severall and respective premisses subject to the same Trust for the benefit of the said Edward Billinge as the said undivided moyety was subject And to from henceforth called knowne and distinguished by the name of West New Jersey All

that Westernly Part share and portion of the said Tract of Land and premisses lyeing on the West syde and Westward of the aforesaid straight and direct Lyne drawne through the said premisses from North to South as aforesaid as is hereafter also perticularly described Now theis presents Witness That in persuance and performance of the said before recyted Agreement And for the better perfecting of the said Partition soe agreed to be made as aforesaid And for and in consideration of five shillings to them the said William Penn Gawen Lawry Nicholas Lucas and Edward Billinge in hand paid by the said S^r George Carterett the receipt whereof they doe hereby respectively acknowledge The said Edward Billinge and they the said William Penn Gawen Lawry and Nicholas Lucas by and with the consent direction and appointment of the said Edward Billinge testified by his beeing a Party hereunto and by his sealeing and executing of theis presents Have and each of them hath bargained sold Released confirmed and conveyed And Doe and each of them doth Bargaine sell Release confirme and convey unto the said S^r George Carterett his heires and Assignes forever All that Easternly Part share and Portion And all those Easternly Parts Shares and Portions of the said Tract of Land and premisses soe granted and conveyed by his said Royall Higness the said James Duke of Yorke unto the said John Lord Berkeley and S^r George Carterett as aforesaid extending Eastward and Northward along the Sea Coast and the said River called Hudsons River from the east syde of a certaine Place or Harbour lyeing on the Southern part of the same Tract of Land and commonly called or knowne in a mapp of the said Tract of Land by the name of Little Egge Harbour to that part of the said River called Hudsons River which is in forty one degrees of Latitude beeing the farther most part of the said Tract of Land and premisses which is bounded by the said River And crossing over from thence in a Straight Lyne extending from that part of Hudsons River aforesaid to the Nothermost Branch or part of the before mentioned

River called DelaWare River and to the most Notherly poynt or Boundnary of the said Tract of Land and premisses soe granted by his said Royall Highness James Duke of Yorke unto the Lord Berkeley and S^r George Carterett Now by the consent and Agreement of the said partyes to theis presents called and agreed to be called the North Partition Poynt And from thence That is to say from the said North Partition poynt extending Southward by a straight and direct Line drawne from the said North Partition Poynt Southward through the said Tract of Land unto the most Southwardly poynt of the East syde of Little Egge Harbour aforesaid which said most Southwardly poynt of the East syde of Little Egge Harbour is now by the consent and Agreement of the said parties to theis presents called and agreed to be from henceforth called The South Partition Poynt And which said Straight and direct Lyne drawn from the said North Partition Poynt through the said Tract of Land unto the said South Partition Point is now by the consent and agreement of the said partyes to their presents called and agreed to be called The Lyne of Partition which is the Lyne herein before mentioned to be intended by the said consent and agreement of the said partyes to theis presents for the divideing and makeing a Partition or separation of the said Easternly Part share and Portion from the Westernly Part Share and portion of the said Tract of Land and premisses soe conveyed by his said Royall Highness as aforesaid in and by theis presents intended to be bargained sold and conveyed by the said S^r George Carterett unto the said William Penn Gawen Lawry and Nicholas Lucas And All and every the Isles Islands Rivers Mynes Mineralls Woods Fishings Hawkeings Hunteings and Fowleings And all other Royalties Government Powers Forts Franchises Harbours Profitts Commodities and hereditaments whatsoever unto the said Easternly Part Share and Portion of the said Tract of Land and premisses belongeing or in anywyse apperteineing with their and every of their appurtenances

And all the Estate Right Title Interest Benefitt Advantage Clayme and Demand whatsoever aswell in Law as in equity of them the said Edward Billinge William Penn Gawen Lawry and Nicholas Lucas and of each and every of them of in unto and out of the said Easternly Part Share and Portion Easternly Parts Shares and Portions of the said Tract of Land and premises and of in unto and out of every part and parcell of the same And the Reversion and Reversions Remynder and Remynders of the same and of every part and parcell of the same And all Rents Duties and Services reserved upon any estates or grants heretofore made or granted by the said Lord Berkeley and S^r George Carterett or by any person claymeing any Estate Interest or Authority from by or under them or either of them of any part of the premisses hereby conveyed to the said S^r George Carterett which said Rents Dutyes and services reserved upon which said estates and grants made of any part of the premisses hereby conveyed to the said S^r George Carterett shall be from henceforth due and payable unto the said S^r George Carterett and his heires of whom all such Estates soe made and granted as aforesaid are to be from henceforth holden according to the true Intent of theis presents Which said easternly Part Share and Portion Parts Shares and Portions of the said Tract of Land and premisses is now by the consent and agreement of the said partyes to theis presents called and agreed from henceforth to be called by the name of East New Jersey And is all that and only all that Part share and Portion of the said Tract of Land and premisses so conveyed by his said Royall Highness as aforesaid as lyeth extended Eastward from the East syde of the said Lyne of Partition before mentioned To Have and To Hold unto the said S^r George Carterett his heires and Assignes in severalty to the sole and only use of the said S^r George Carterett And of his heires and Assignes forever And each of them the said William Penn Gawen Lawry Nicholas Lucas and Edward Billinge for himself severally and respectively and for his severall

and respective heires executors and Administrators and for his severall and respective owne Acts only And not joyntly nor the one for the other or for the heires Executors Administrators or Acts of the other Doth Covenant Grant and agree to and with the said S^r George Carterett his heires and Assignes by theis presents That he hath not at any tyme heretofore done or suffred any act matter or thing whatsoever whereby or by reason whereof The said premisses hereby Bargained sold Released confirmed or conveyed by the said Edward Billinge William Penn Gawen Lawry and Nicholas Lucas unto the said S^r George Carterett or herein or hereby meant mentioned or intended soe to be or any part or parcell of the same is are shall or may be any wayes charged burthened or incumbred in Title Charge estate or otherwyse howsoever other than such Arrears (if any be) which now at the day of the date of theis presents are due and unpaid upon any the reservations conteyned in the said herein before recyted letters Patent and herein before recyted Conveyances herein before recyted to have beene made by his said Royall Highness the said Duke of Yorke or either or any of them And theis presents farther Witness That in farther persuance and performance of the said herein before recyted Agreement And for the farther perfecting of the said partition soe agreed to be hade as aforesaid And for and in Consideration of five shillings to him the said S^r George Carterett in hand paid by the said William Penn Gawen Lawry and Nicholas Lucas the receipt whereof he doth doth hereby acknowledge He the said S^r George Carterett Hath Bargained sold Released confirmed and conveyed And doth by theis presents Bargaine sell Release confirme and convey unto the said William Penn Gawen Lawry and Nicholas Lucas and to their heires and Assignes forever All that Westernly Part Share and Portion And all that and those other Part and Parts Share and Shares Portiou and Portions of the said Tract of Land and premisses soe granted by his said Royall Highness the said James Duke

of Yorke unto the said John Lord Berkeley and S^r George Carterett as aforesaid And which said Westernly part Share and Portion and which said other parts shares and Portion is and are extending Southward and Westward and Northward along the sea Coast and the before mentioned Bay and River commonly called or known by the name or names of DelaWare Bay and DelaWare River from the said South Partition poynt before mentioned to be on the East side of Little Egge Harbour unto the said North Partition poynt herein before mentioned to be on the before mentioned Nothermost Branch or Part of DelaWare River aforesaid And from thence that is to say from the said North partition Poynt extending Southward unto the said South Partition Poynt before mentioned By the said before mentioned straight and direct Lyne called the Lyne of Partition drawn through the said Tract of Land from the said North Partition Poynt unto the said South Partition Poynt by the consent and agreement before mentioned intended for the divideing and makeing a partition or separation of the said Westernly part share and portion from the before mentioned Easterly Part Share and Portion of the said Tract of Land and premisses soe conveyed by his said Royall Highness as aforesaid And herein before bargained sold and conveyed by the said William Penn Gawen Lawry Nicholas Lucas and Edward Billinge unto the said S^r George Carterett as aforesaid And all and every the Isles Islands Rivers Mynes Myneralls Woods Fishings hawkeings Hunteings and Fowleings And all other Royalties Goverments Powers Forts Franchises Harbours Profitts Commodities and Hereditaments whatsoever unto the said Westernly part share and Portion of the said Tract of Land and premisses hereby bargained by the said S^r George Carterett belonging or any ways appertaining with their and everey of their appurtenances And all the Estate Right Title interest Benefitt advantage Clame and demand whatsoever as well in Law as in Equity of him the said S^r George Carterett of in unto and out of

the same and of in unto and out out of every part and parcell of the same together with the Reversion and Reversions Remynder and remaynders of the same and of every part and parcell of the same And all Rents Dutyes and and services reserved upon any estates or grants heretofore made or granted by the said Lord Berkley and S^r George Carterett or either of them of any part or parts of the said premisses hereby conveyed to the said William Penn Gawen Lawry and Nicholas Lucas or herein or hereby mentioned or intended soe to be All which said Westernly part share and Portion Parts shares and Portions of the said Tract of Land and premisses are now by the consent and Agreement of the said partyes to theis presents called and agreed from henceforth to be called by the name West New Jersey And is all that and only all that Part Share and portion and All those parts shares and portions of the said Tract of Land and premisses soe conveyed by his said Royall Highness as aforesaid aslyeth extended Westward or Southward from the west syde of the said Lyne of Partition before mentioned To Have and To Hold unto the said William Penn Gawen Lawry and Nicholas Lucas their heires and Assignes in severalty to the only use of the said William Penn Gawen Lawry and Nicholas Lucas and of their heires and Assignes forever And The said S^r George Carterett for him his heires Executors and Administrators doth by these presents Covenant Grant and agree to and with the said William Penn his heires and Assignes And also to and with the said Gawen Lawry his heires and Assignes And Lykewyse to and with the said Nicholas Lucas his heires and Assignes And also to and with the said Edward Billinge his heires and Assignes That he the said S^r George Carterett hath not at any tyme heretofore done or suffred any act matter or thing whatsoever whereby or by reason whereof the said premisses hereby bargained sold Released confirmed or conveyed by him the said S^r George Carterett unto the said William Penn Gawen Lawry and Nicholas Lucas or herein or hereby

meant mentioned or Intended soe to be or any part or parcell of the same is are shall or may be any ways changed burthened or Incumbred in Title Charge Estate or otherwise howsoever other then such arrears (if any be) which now at the day of the date of theis presents are due and unpaid upon any the Reservations conteyned in the said herein before recyted letters Patent and herein before recyted conveyances herein before recyted to have beene made by his said Royall Highness the said Duke of Yorke or either or any of them And other then such Lawfull Estates and Grants of Lands and plantations parcell of the said premisses as have beene at any tyme heretofore by him the said S^r George either by himselfe or together with the said Lord Berkeley or by Authority lawfully derived from him or from him and the said Lord Berkeley made or granted to any Planter or Planters now in actuall possesession of the same lands and Plantations And which have beene made and granted according to the Rules and Lawes of Plantations now in force in the said Country under the usuall and accustomed Rents Dutyys and services by the said Rules and Lawes appointed and directed to be reserved upon Grants of Lands and Plantations made and granted to Planters seateing theuselves there All and singuler which said Rents dutyys and services reserved upon which said Estates and Grants shall be from henceforth due and payable unto the said William Penn Gawen Lawry and Nicholas Lucas their heires and Assignes of whom all such Estates soe made and granted as aforesaid Are to be from henceforth holden according to the true intent of theis presents and of all the respective parties hereunto And it is hereby declared and agreed by all the said respective partyes to theis presents to be the true Intent and meaneing of theis presents and of all the respective partyes hereunto that the aforesaid Rent of twenty Nobles herein before mentioned to be reserved due and payable unto his said Royall Highness the said James Duke of Yorke and his heires shall from henceforth be equally paid and borne in manner

following That is to say one equall moyety or halfe part thereof by the said Sr George Carterett his heires and Assignes and be issueing out of and charged and chargeable upon that part and share of the said premisses which is hereby conveyed unto him the said Sr George Carterett his heires and Assignes and the other equall moyety or halfe part thereof by the said William Penn Gawen Lawry and Nicholas Lucas their heires and Assignes and to be issueing out of and charged and chargeable upon that part and Share of the said premisses which is hereby conveyed unto the said William Penn Gawen Lawry and Nicholas Lucas their heires and Assignes IN Witness whereof all the said respective partyes to theis presents have to each part of theis prents sett their respective hands and seales the day and yeare first above written

Recognit Gawen Lawry 6^o die
July 1676 Cora' Mg'o in Can'laria

MILES POOLE

G CARTERETT	WM PENN	GAWEN LAWRIE
[L. s.]	[L. s.]	[L. s.]
NICHO LUCAS	E. BYLLYNGE	
[L. s.]	[L. s.]	

[On the back.]

Sealed and Delivered in the presence of

HEN: WEST	JAMES BOWERS	THOMAS LANGHORNE
RICHARD LANGHORNE	JOHN RICHARDSON	

Instructions from William Penn, Gawen Lawrie, Edward Byllynge, Nicholas Lucas and Edmond Warner to their Commissioners in West Jersey.

[From the Original in the New Jersey Historical Society Library.]

LONDON the 18th 6 m^o called Augs^t 1676

Wee whose names are heer under Subscribed doe giue full Power Com'ision & Authority unto

James Wase Richard Harthorn¹ & Rich^d Guy
or any two of Them to act & doe for us
According to the following Instructions, and
wee doe Ingage to Ratifie & Confirm whatso-
ever They shall doe in Prosecution of the Same.

(1) Wee desire you to get a meeting wth John ffenwick
and y^e People that went wth him (but wee wold not haue
you tell your business) untill you gett Them together, Then
shew & read y^e deed of Partition with George Cartwright
alsoe, the Transactions between William Penn, Nicholas
Lucas, Gawen Lawry, John Elridge & Edmond Warner,
and then read our Letter to John ffenwick & y^e rest and
shew John ffenwick He hath noe Power to sell any Land
theer without y^e Consent of John Elridge and Edmond
Warner

(2) Know at John Fenwick, if He will be willing peace-
ably to Lett the Land hee hath taken up of the Natives be
devided in a 100 parts according to our and his Agreement
in England; Casting Lotts for y^e Same Wee being willing
that Those whoe being Setled and haue Cultivated ground
now wth him shall Injoy the Same without being turned
out although They fall into our Lott, alwayes Provided
that wee be reamburst y^e Like value & quantitie in grounds
out of Joⁿ ffenwicks Lotts, and wee are alsoe Content to
pay our 90th parts of what is paid to y^e Natives for y^e same,
And for what James Wass hath purchased of Joⁿ ffen-

¹ RICHARD HARTSHORNE came to the province in September, 1669, and located himself in Middletown, Monmouth County. Sandy Hook was first held under a grant to him, in 1677. He was a Quaker by profession, and an account of the country, written by him and circulated in England, induced considerable emigration. A letter from him, dated November 12th, 1675, is one of a collection printed in 1676, a *fac simile* copy of which is in the New Jersey Historical Society Library. He soon attained popularity in East Jersey, but did not enter into public life until early in 1684, when he was appointed one of Deputy Governor Lawrie's Council. The succeeding year he was elected to the General Assembly from Middletown; was chosen Speaker in 1686, and continued to hold that position until October, 1693; and, again, from February, 1696, to March, 1698, when he became one of Governor Basse's Council. He still continued to hold his seat as a member of the Assembly, and filled both positions until the surrender of the Government to the Crown. See Smith's "History of New Jersey," p. 63; "East Jersey Under the Proprietary Governments," 2d Edit., pp. 46, 56, &c.: "Minutes of Council." Ed.

wick, and He setting out y^e same unto him not being in a Place to be allotted for a Towne upon a River but att a distance, & y^e s^d J^on ffenwick allowing us Like value in goodnes in some other of His Lotts Wee are willing hee shall possess y^e same from any claming by or under us And for the Towne Lots wee are willing hee Enjoy y^e same as freely as any

(3) Take Information from Some y^t knowes y^e soundings of y^e River & Creeks and that is acquaint in y^e Country and when James Wase is in Maryland hee may Inquire for one Agustín whoe as wee heare did sound most part of Deliver River & the Creeks He is an able Surveyer See to agree with Him to goe with you up the River as farr as over against Newcastell or further if you can soe farr as a vessell of 100 Tun can goe for Wee intend to haue a way cut Cross y^e Country to Sandy hook soe y^e further up the River y^t way will be y^e shorter and therupon some Creek or bay in some halthy Ground find out a Place fitt to make a Settlement for a Towne and then goe to y^e Indians and agree wth Them for a Tract of Land about the said place of Twenty or Thirty myles Long more or less as yee see meet, and as broad as you see meet If it be to y^e midle wee care not only Enquire if George Cartwright have not purchased Some there already y^t soe you may not buy it over againe

(4) Then Lay out four or five Thousand Akers for a Towne and if Agustine will undertake to doe it reasonably Lett him doe it for He is the fittest Man and if He think he cannot Survey soe much being in the winter time then Let him Lay out y^e less for a Towne at present If it be but two Thousand Akers and let him devide it in a hundred parts & when it is done lett John ffenwick if he pleas be There however lett him haue Notice but however lett some of you be there to See y^e Lotts cast freely by one Person y^t is not Concerned—The Lotts are from No 1 to a hundred and put y^e same nvmbers of y^e Lotts in the Partition Trees for distinction

(5) If John ffenwick and Those Concernd with him be willing to Joyn with you in those Things as aboue which is Just & faire then He or any of them may goe along with you in yo^r busines and lett them pay their Proportion of what is paid to y^e Natives wth other Charges and soe hee and They may despose of their Lotts with Consent of John Elridge & Edmond Warner, which Lotts are 20 : 21 : 26 : 27 : 36 : 47 : 50 : 57 : 63 : 72 :—

(6) If John ffenwick and his People refuse to lett y^e Land They have taken up of y^e Natives be devided & refuse to Joyn with you, you may lett the Country know in what Capacity John Finwick stands That He hath noe Power over y^e Persons or Estates of any Man or Woman more then any other Person.

(7) What Land Thow takes of the Natives lett it be taken in our Names viz Nynty parts for the use of William Penn Gawen Lawry & Nicholas Lucas and Ten parts for J^on Elradge & Edmond Warner.—

(8) After you haue taken up land as aboue and devided for a Towne or Setlment and cast Lotts for y^e same as aboue Then If any haue a mynd to buy one or more Proprietyes sell them all two hundred . . . piece They taking Their Lotts as others doe paying to you in hand y^e value of fifty pound in part of a Propriety & y^e rest on Sealing there Conveyance in London, and soe They may presently setle when any of the Lotts falls to us that is to say Hee y^t buyeth a Propriety may setle on any one Lott of Nynty parts which said persons y^t buyes and what Lotts falls to Them There They may setle and acquaint us what Numbers they are and If any will take Land to Them & y^r heires for ever for every Aker taken up in a Place laid out for a Towne According to y^e Concessions They are not to haue aboue what shall fall by Lott to a Propriety in a Towne.

(9) What Charges James Wase is at by taking up the Land of y^e Natives Wee doe obleidge to pay y^e same unto him again wth what proffitt is usual there upon English Goods & he may . . . pois upon two lots one in

each Towne If they be taken up before y^t comes away to his own proper use for his trouble & pains and we doe alsoe Engage to alow & pay what Charges any of our Comission^{rs} shall disburst In Executing these our Instructions to them or their Assignes.

(10) Lett us be advised by the first Ship y^t Cometh for England of all Proceedings herupon and writt to the Friends at Sandy hook Leting them know how things are and y^t Wee haue devided with George Cartwright and y^t our devison is all along on Daliuer River and that Wee haue made Concessions, by o^rselves which Wee hope will satisfye Friends there If John ffenwick or any of y^e People wth Him desire a Coppie of y^e deed of Partition let them haue it

(11) Wee desire that our Origonall deed may be kept in y^r own Custodie that it may be ready to shew unto y^e rest of y^e Comission^{rs} which we intend to send over in y^e Spring with full Power for setling things and to lay out Land & dispose upon it, and for the setling some method of Government according to y^e Concessions.—

(12) If you cannot get Agustin to goe wth you or y^t hee be unreasonable in his demands then send a Man to Thomas Bushroods at Essex Lodge in Yorke River for William Elliot whoe writt to Gawen Lawry this year and offord himself to be a Surveyer and till . . . orders from s^d Lawry to send for him and take him wth you Hee will be willing to be there all winter & will survey & doe other things. He had a good Plantation in Virginia but was not able to keep it He is a fair Conditioned Sober Man let him stay y^r all winter and ord^r Him some thing to liue upon

(13) If y^e said Elliot goe wth you giue him directions what to doe if you cannot stay till a place for a Towne be surveyed yet we thinke you may stay untill you have not only pitched upon a Place for a Towne but alsoe upon a Place for a second Towne & setlment and have marked out y^e place round about there and lett William Elliott deuide both which noe doubt but He may doe before y^e Spring

y^t Wee send over more Comess^{rs} and People and if J^{on} ffenwick be willing to goe on Joyntly wth you there his Surveyer may goe a long & help ours & y^e Charges shall be brought in for both proportionably on all. Mynd this & speak to Rich^d Gay or Rich^d Hartshorne & leave ord^{rs} wth Them to lett William Elliot have provisions for himself till Spring And wee shall order Them satisfaction for y^e same And if there be noe house neer y^e Place you take up for y^e Surveyers to Lodge in Then let there be a Cotadge built for Them on y^e Place and Wee will alow the Charges.

(14) And wheras there is Tackling their already for fitting up a Sloop as Wee Judge in y^e Custodie of Rich^d Gay Wee also giue you Power if you see meet & y^t it be of necessary use & advantage for y^e wholl Consern you may Order those ship Carpent^{rs} to build a Sloop sutable for those materials & apoint Them some provisions for y^r food & for y^e rest of y^e wages Thy shall either haue it in a part of Sloop Or be otherwayes satisfied in the Spring of y^e yeare The s^d Sloop to be ordered & disposed upon by you untill more Comiss^{rs} come over wth further Instructions—

(15) ffor y^e . . . goods Wee have sent over wth John Wase, are to be disposed upon for purchassing Land from y^e Natives or otherwayes as need is giveing us Acco^{ts} y^{of}.

W. M. D. M. *Edmond Barrow.*

L. Byllinge *Nicho. Lucas*

Edmond Laurie

First Agreement for Settlement of West New Jersey.

[From Johnson's "Historical Account of the First Settlement of Salem," p. 16.] 1

The first and general order, as agreed upon by
John Fenwicke and the first purchasers.

WE whose names are here subscribed, do first declare, as hereby is declared, that we have been exposed to great hazards, straits, dangers and cruelties whilst at sea. John Lord Berkeley's deed being declared to be left in England, was the cause of our troubles we met with there, and at our arrival, when our sorrows were multiplied, our miseries increased through cruelties and oppression; so that, as it appeared, John Eldrige and Edmond Warner labored to send us away with the shadow, whilst they detained from us the substance, that should every where preserve us and our interest from ruin, even the ruin under which we hitherto groaned, and like to be ruined, having received no relief from England, neither can we hear when to expect any; but wholly left as a people forsaken even forsaken of them that pretended to take care of us; and many of those that embarked with us in the same undertaking did also desert us, and disperse themselves into other countries; so that now, if we can live, we may—if we cannot, we may die, for the care that has been and is taken by those men, as if their own interests were our destruction. But, blessed be the God of heaven and of earth, who hath showed us mercy, (to the amazement of our enemies here, and so it will be also to others in due time,) praised be his name for ever, he hath also by his Spirit stirred in the hearts of many good people to pity us, and made them willing to come and join with us, sitting down together in this tract of land, which John Fenwicke, the chief proprietor, pur-

1 Mr. Johnson not stating where the original is to be found, (if yet in existence,) the document is here printed, as he gives it, modernized.

chased of the natives for his colony, and to satisfy every of his purchasers by setting out their tracts of land therein accordingly. To the end, therefore, that the Lord's requirements may be answered, the desires of strangers satisfied, the said colony planted, we and our families preserved from ruin, every purchaser having his land set out, the natives neither provoked nor tempted, but all our lives preserved by setting out and planting the land as people come to take it up, and so sitting down together as in other countries—We, after many meetings and serious consultations, do unanimously agree and conclude upon the method following, which we, the chief purchasers of Fenwicke's colony, and other the purchasers and freeholders residing within the same, do approve of and judge to be most just, reasonable and equal; and do therefore declare and order, that every purchaser that is resident shall forthwith have his tract of land set out—the one-half in the liberty of Cohanzick, the other half in the liberty of Allaways, or as the chief proprietor shall order the same there or elsewhere; the said purchasers casting lots only, who shall begin and succeed till their tracts be surveyed and set out; and after their tracts of land are set forth and surveyed, then in order according to the lots as aforesaid, shall the tracts of which they are entrusted with be set out and surveyed also, as they come to sit down upon and improve the same, making it first appear to the chief proprietor and council that they really intend the same.

2d. That there shall be a neck or two of land set out for a town at Cohanzick, and divided into two parts—the one for the chief proprietor, the other to be set out in town lots for the purchasers, which lots are to be reckoned as part of their purchases. The chief proprietor is to settle upon the town, *gratis*, a common of marsh, and to dispose of his part for the encouraging of trade. That the said lots shall be sixteen acres a-piece, and that every purchaser shall take their lots in the town as they come to take them up and plant them.

And as for the settling of the town of New Salem, it is likewise ordered that the town be divided by a street; that the south-east side be for the purchasers, who are to take their lots of sixteen acres as they come to take them up and plant them, as they happen to join to the lots of the purchasers resident, who are to hold their present plantations, and all of them to be accounted as part of their purchases; and the other part, on the north and by east and by south, is to be disposed of by the chief proprietor for the encouragement of trade; he also giving for the good of the town in general, the field of marsh that lieth between the town and Goodchild's plantation;—and,

Lastly, we do leave all other things concerning the setting forth and surveying the said purchases, unto the chief proprietor, to order as he sees fit.

Signed accordingly, the twenty-fifth day of the Fourth month, 1676.

FENWICKE.

Edward Wade,	John Smith,	Richard Noble,
Saml. Nicholson,	John Addams,	Hypolite Lefevre,
Edward Champnes,	Richard Whitacar,	William Malster,
	Robert Wade.	

Letter from the Proprietors of West Jersey to Richard Hartshorne, one of their Commissioners.

[As printed in Smith's "History of New Jersey," p. 80.]

TO RICHARD HARTSHORNE

London 26th of the
6th month, 1676.

Richard Hartshorne

We have made use of thy name in a commission and instructions, which we have sent by James Wasse, who is gone in Samuel Groome's ship for Maryland & a copy of which is here inclosed, and also a copy of a letter we have sent to John Fenwick, to be read to him in presence of as many of the people that went with him as may be; and because we both expect, and also entreat, and desire thy

assistance in the same, we will a little shew things to thee, that thou may inform not only thyself, but freinds there ; which in short is as follows,

1st. We have divided with George Carteret, and have sealed deeds of partition, each to the other ; and we have all that side on Delaware river 'from one end to the other ; the line of partition is from the east side of little Egg Harbour, straight North, through the country, to the utmost branch of Delaware river ; with all powers, privileges, and immunities whatsoever ; ours is called *New West-Jersey*, his is called *New East-Jersey*.

2d. We have made concessions by ourselves, being such as freinds here and there (we question not) will approve of, having sent a copy of them by James Wasse ; there we lay a foundation for after ages to understand their liberty as men and christians, that they may not be brought in bondage, but by their own consent ; for we put the power in the people, that is to say, they to meet, and choose one honest man for each propriety, who hath subscribed to the concessions ; all these men to meet as an assembly there, to make and repeal laws, to choose a governor, or a commissioner, and twelve assistants, to execute the laws during their pleasure ; so every man is capable to choose or be chosen ; No man to be arrested, condemned, imprisoned, or molested in his estate or liberty, but by twelve men of the neighbourhood. No man to lie in prison for debt, but that his estate satisfy as far as it will go, and be set at libéerty to work ; No person to be called in question or molested for his conscience, or for worshipping according to his conscience ; with many more things mentioned in the said concessions.

3. We have sent over by James Wasse, a commission under our hands and seals, wherein we impower thyself, James Wasse and Richard Guy, or any two of you, to act and do according to the instructions, of which here is a copy ; having also sent some goods, to buy and purchase some land of the natives.

4. We intend in the spring to send over some more commissioners, with the friends and people that cometh there; because James Wasse is to return in Samuel Groom's ship for England; for Richard Guy, we Judge him to be an honest man, yet, we are afraid that John Fenwick will hurt him, and get him to condescend to things that may not be for the good of the whole; so we hope thou wilt ballance him to what is just and fair; that John Fenwick betray him not, that things may go on easy without hurt or jar; which is the desire of all freinds; and we hope West Jersey will be soon planted; it being in the minds of many friends to prepare for their going against the spring.

5. Having thus far given thee a sketch of things, we come now to desire thy assistance, and the assistance of other friends in your parts; and we hope it will be at length an advantage to you there, both upon truth's account, and other ways; and in regard many families more may come over in the spring to Delaware side, to settle and plant, and will be assigned by us to take possession of their particular lots; we do intreat and desire, that thou, knowing the country, and how to deal with the natives; we say, that thee, and some other friends, would go over to Delaware side, as soon as this comes to your hands, or as soon as you can conveniently; and James Wasse is to come to a place called New-Castle, on the other side of Delaware river, to stay for thee, and any that will go with him; and you all to advise together, and find out a fit place to take up for a town, and agree with the natives for a tract of land; and then let it be surveyed and divided in one hundred parts; for that is the method we have agreed to take, and we cannot alter it; and if you set men to work to clear some of the ground, we would be at the charges; and we do intend to satisfy thee for any charge tho art at, and for thy pains; This we would not have neglected; for we know, and you that are there know, that if the land be not taken up before the spring, that many people come over

there, the natives will insist on high demands, and so we shall suffer by buying at dear rates, and our friends that cometh over, be at great trouble and charges until a place be bought and divided; for we do not like the tract of land John Fenwick hath bought, so as to make it our first settlement; but we would have thee and friends there, to provide and take up a place on some creek or river, that may lie nearer you, and such a place as you may like; for may be it may come in your minds to come over to our side, when you see the hand of the Lord with us; and so we can say no more, but leave the thing with you, believing that friends there will have a regard to friends settling, that it may be done in that way and method, that may be for the good of the whole; rest thy friends,

GAWEN LAWRIE	WILLIAM PENN	NICHOLAS LUCAS
E. BYLLYNGE	JOHN ELDRIDGE	EDMOND WARNER.

Sir John Werden to Governor Andros.

[From "New York Colonial Documents," Vol. III., p. 240.]

SIR. [Extract.]

. . . . I adde thus much further in relac'on to Sir George Carterett's Colony of New Jersey, y^t is, that I have acquainted his R^{ll} High^{ness} with what M^r Dyre writes to me, about his late bickering wth Capt. Carteret for not letting a Present pass &^c, and though small matters are hardly worth y^e notice especially where Sir George Carterett himselfe is concerned; (for whome the Duke hath much esteeme and regard) I doe not find y^t y^e Duke is at all inclined to lett goe any part of his prerogative w^{ch} you and your predecess^{rs} have all along constantly asserted in his behalfe; and soe, though at present in respect to Sir Geo: we soften things all we may not to disturbe his choller (for in truth the passion of his inferio^r offic^{rs} soe far infects him as puts him on demands w^{ch} he hath noe colour of right to) I verily believe should his foote chance to slip,

those who succeed him must be content wth lesse civility yⁿ we shew him in y^s point, since yⁿ we should exercise y^t just authority his R^{ll} High^{ness} hath without such reserves, as though intended but favours now, may, if confirmed, redound too much to y^e prejudice of yo^r Colony. You will reserve what I say in y^s paragraph to your selfe. . . .

Dated at S^t James's Augst y^e 31st 1676

To MAJOR ANDROS.

Letter from William Penn, Gawen Lawrie and Nicholas Lucas to those Proposing to Settle in West Jersey.

[From Smith's "History of New Jersey," p. 88.]

EPISTLE

Dear friends and brethren

In the pure love and precous fellowship of our Lord Jesus Christ, we very dearly salute you: Forasmuch as there was a paper printed several months since, entitled, *The description of New-West-Jersey*, in the which our names were mentioned as trustees for one undevided moiety of the said province: And because it is alledged that some, partly on this account, and others apprehending, that the paper by the manner of its expression came from the body of friends, as a religious society of people, and not from particulars, have through these mistakes, weakly concluded that the said description in matter and form might be writ, printed and recommended on purpose to prompt and allure people, to dis-settle and transplant themselves, as it's also by some alledged: And because that we are informed, that several have on that account, taken encouragement and resolution to transplant themselves and families to the said province; and lest any of them (as is feared by some) should go out of a curious and unsettled mind, and others to shun the testimony of the blessed cross of Jesus, of

which several weighty friends have a godly Jealousy upon their spirits ; lest an unwarrantable forwardness should act or hurry any beside or beyond the wisdom and counsel of the lord, or the freedom of his light and spirit in their own hearts, and not upon good and weighty grounds ; It truly laid hard upon us, to let friends know how the matter stands ; which we shall endeavour to do with all clearness and fidelity.

1. That there is such a *province as New-Jersey*, is certain—

2. That it is reputed of those who have lived and have travelled in that country, to be wholesome of air and fruitful of soil, and capable of sea trade, is also certain ; and it is not right in any to dispise or dispraise it, or disswade those that find freedom from the *Lord*, and necessity put them on going.

3. That the Duke of York sold it to those called lord Berkeley, baron of Stratton, and sir George Carteret, equally to be divided between them, is also certain.

4. One *moiety* or half part of the said *province*, being the right of the said lord Berkeley, was sold by him to John Fenwick, in trust for Edward Byllinge, and his assigns

5. Forasmuch as E. B. (after William Penn had ended the difference between the said Edward Byllinge and John Fenwick) was willing to present his interest in the said *province* to his creditors, as all that he had left him, towards their satisfaction, he desired William Penn (though every way unconcerned) and Gawen Lawrie, and Nicholas Lucas, two of his creditors, to be trustees for performance of the same ; and because several of his creditors, particularly and very importunately, pressed William Penn to accept of the trust for their sakes and security ; we did all of us comply with those and the like requests, and accepted of the trust,

6. Upon this we became trustees for one moiety of the said *province*, yet undivided ; And after no little labour,

trouble and cost, a division was obtained between the said Sir George Carteret and us, as trustees; The country is situated and bounded as is expressed in the printed description.

7. This now divided moiety is to be cast into one hundred parts, lots, or proprieties; ten of which upon the agreement made betwixt E. Byllinge and J. Fenwick, was settled and conveyed unto J. Fenwick, his executors and assigns, with a considerable sum of money, by way of satisfaction for what he became concerned in the purchase from the said lord Berkeley, and by him afterwards conveyed to John Eldridge and Edmond Warner, their heirs and assigns.

8. The ninety parts remaining are exposed to sale on the behalf of the creditors of the said E. B. And forasmuch as several friends are concerned as creditors, as well as others, and the disposal of so great a part of this country being in our hands, we did in real tenderness and regard as friends, and especially to the poor and necessitous, make friends the first offer; that if any of them, though particularly those that being low in the world, and under trials about a comfortable livelihood for themselves and families, should be desirous of dealing for any part or parcel thereof, that they might have the refusal.

9. This was the real and honest intent of our hearts, and not to prompt or allure any out of their places, either by the credit our names might have with our people throughout the nation, or by representing the thing otherwise than it is in itself.—

As for the printed paper sometime since set forth by the creditors, as a description of that province; we say as to two passages in it, they are not so clearly and safely worded as ought to have been; particularly, in seeming to limit the *winter* season to so short a time; when on further information, we hear it is sometime longer and sometime shorter than therein expressed; and the last clause relating to liberty of conscience, we would not have any to

think, that it is promised or intended to maintain the liberty of the exercise of religion by force and arms; though we shall never consent to any the least violence on conscience; yet it was never designed to encourage any to expect by force of arms to have liberty of conscience fenced against invaders thereof.

10. And be it known unto you all, in the name and fear of Almighty God, his glory and honour, power and wisdom, truth and kingdom, is dearer to us than all visible things; and as our eye has been single, and our heart sincere to the living God, in this as in other things; so we desire all whom it may concern, that all groundless jealousies may be judged down and watched against, and that all extremes may be avoided on all hands by the power of the Lord; that nothing which hurts or grieves the holy life of truth in any that goes or stays, may be adhered to; nor any provocations given to break precious unity.

This am I, William Penn, moved of the Lord, to write unto you, lest any bring a temptation upon themselves or others; and in offending the Lord, slay their own peace: *Blessed are they that can see, and behold him their leader, their orderer, their conductor and preserver, in staying or going; Whose is the earth and the fullness thereof, and the cattle upon a thousand hills.* And as we formerly writ, we cannot but repeat our request upon you, that in whomsoever a desire is to be concerned in this intended *plantation*, such would weigh the thing before the Lord, and not headily or rashly conclude on any such remove; and that they do not offer violence to the tender love of their kindred and relations; *but soberly and conscientiously endeavour to obtain their good wills, the unity of friends where they live; that whether they go or stay, it may be of good favour before the Lord (and good people) from whom only can all heavenly and earthly blessings come.* This we thought good to write for the preventing of all misunderstandings, and to declare the real truth of the matter; and

so we commend you all to the Lord, who is the watchman of his Israel.

We are your friends and brethren,

WILLIAM PENN

GAWEN LAWRIE

NICHOLAS LUCAS

[September 1676]

*Minutes of a Council, Held at New York, in Relation to Major John Fenwicke's Granting Patents in New Jersey.*¹

[Extract from "New York Colonial Documents," Vol. XII., p. 565.]

At a Councell held at New York

November 20th 1676

Entred in the Councell booke. The answer to the proposalls to bee in Comon booke of entryes

Severall Lett^{rs} being read concerning Majo^r John Fenwicke's actings in New Jersey on the east side of Delaware River by his granting patents for Land, & refusing to obey the Governo^{rs} speciall warrant &c

Resolved, it imputing his majesties service, & good & quiet of those parts & Inhabitants. That hee bee sent for, with the first Convenience hither, & if there bee occasion that the Comander & Magistrates at Delaware doe use force for seizing & sending him

That there being no Lawfull Authority for Major Fenwyck's giving forth patents for Land, Its not thought fitt to returne back those sent hither, But the persons who have paid their moneys for them, may have their Remedy at Law for the same, against the person that gave them.

Vpon the Complaint of Jean Paul Jaquet, That hee hath been dispossesed by Majo^r Fenwyck of some Land on the East side of Delaware River, ordered, That the said Jean Paul Jaquet bee repossesed of what land hee was in posses-

¹ The purport of this minute was communicated by Governor Andros to the magistrates of Newcastle, by letter dated November 23d. "New York Colonial Documents," Vol. XII., p. 566. ED.

sion of on the East side of the River, at the last coming in of the English Government; The which the Co^{rt} is to take order about, and if occasion the Comander at Delaware is to assist them.

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Proceedings at a Court for the Trial of Major John Fenwicke.

[From "New York Colonial Documents," Vol. XII., p. 568.]

At a special Co^{rt} held the 12th day of Jan. 1676, about Major John Fenwycks businesse

The Councill Justices & May^r & Aldermen call'd over Major Fenwyck brought to the barre.

The Jury call'd over (return'd by the High Sheriffe) & sworne.

The presentin^t in the name of Samuell Leete &c read, charging him wth a Ryot &c.

Hee is prest to plead, but pretends to appeale & saith hee is ignorant of the Lawes & proceedings of this Governm^t;

Hee pleads not Guilty.

The K^s L^{res} patents to the D, & the Dukes to the Governo^r read.

One of Major Fenwyck's deeds read dated July 15th 1676

Another deed read to the same purpose, another dated Aug. 10th 1676,

Another more large the same date.

Major Fenwycks licence to distill N^o 4.

Jean Paul Jaquets complaint, with several deposicons read N^o 8, his land called Stoon brooke, given away by M. Fenwyck to John Erickson.

Major Fenwyck ownes his land & justifies his actions, confessing all the patents &c to bee his act & deed.

Hee pleads for himselfe, to hold from the Lord John

Berkely & makes a Long discourse, denyes that any part of New Jersey is under the Jurisdiction of this Co^{rt} & pleads his liberty to appeale to his Ma^{ties}.

Hee pleads over & over The K. can doe no wrong, & hee must appeale to him.

He sth an undoubted Interest can not bee destroyed, & that the L^d Berkely hath an undoubted right, & consequently hee hath.

That S^r Geo: Carteret being repossesst by a new Graunt from his R. H^s of a Pt. its as good as for the whole & so deemed by the Law.

Gov. Carterets Letter read wherein he absolutely disownes M. Fenwyck.

Majo^r Fenwycks letter to the Go: read.

Hee acknowledges to have no originall deed or grant here butt was left in Engl.

Hee sth the D[uke] hath nothing to doe in New Jersey, & what hath been done by him was there.

The Go: gives a Charge to the Jury, who goe out upon the businesse.

The Co^{rt} adjourned till 4 afternoon.

AFTERNOONE.

The Jury bring in their Verdict & send for the Pris^r.

The Go: urged to the Jury to declare whether they found Majo^r Fenwyck Guilty or not Guilty as to the Presentment. They said Guilty

Majo^r Fenwyck desires an Appeal to the King, & moves to have it recorded.

Hee offerrs againe to plead in his Justification.

All ordered to withdraw but the Co^{rt}

The Co^{rt} having considered of the Verdict of the Jury doe approve it & confirmes the same & give Judgment therefore :

That M^r F. having acted w^{thin} his R. H. Patent without any legall Authority &c doe pay all costs & charges of this Suite & likewise pay a fine of 40£ to the Co^{rt},

And that hee remaine in Custody untill he give security of 500£ to be of the good behavior & not to act in any publick Capacity. Unless he shall receive & produce sufficient Authority from the King, or from some other deriving from his Mai^{ties}.

As for his Appeall it is Admitted hee giving 500£ security more to prosecute it, & to answer any further action that may be entred agst him for his illegall actions there hitherto without Authority.

*Proceedings Against Major John Fenwicke, Under
Presentment of Samuel Leete.¹*

[From "New York Colonial Documents," Vol. XII, p. 569.]

At a Special Co^{rt} of Assises held in New Yorke y^e 12th day of January in y^e 28th yeare of his Ma^{ties} Reigne. Annoque Dominie 1676.²

Present

The Governo^r & Councill

The Justices of the Severall Ridings of Yorkshire upon Long Island.

The May^r & Aldermⁿ of this Citty

Major John Fenwyck being Presented to this Co^{rt} by M^r Sam^l Leete, for that hee the said John Fenwyck the s^d 10th day of Augs^t 1676 & divers times before and Since without any Right or title, with force and armie Ryotously & Routeously with Fenwyck Addams, Richard Handcock, & severall other Persons, hath Possessed himselfe of a large tract or Parcell of Land Lying & being with in the bounds & Limitts of his Royall Highness James Duke of York his Pattent, from his Ma^{ties}; that now is, for certaine Lands in America, & assuming to himselfe to bee Lord Cheife Proprieto^r &c of the same, hath granted to severall persons great tracts of Land & taken severall sumes of Money for y^e same, & disturbed severall of his

¹ See *Ante*, p. 186.

² 1676-7. ED.

Ma^{ties} Subjects, not only in y^e Possession of their Estates but Ryoteously Routeously &c

The matter haveing been fully debated, Majo^r Fenwycks Defence & Allegacons, Evidences and Testimonys heard, examined & taken, y^e Jury sent out, brought in their Verdict y^t they finde y^e said Major John Fenwyck guilty.

The Co^{rt} haveing Considered the whole matter, Confirme the same & give Judgement that the said Major Fenwyck do pay all the Costs & Charges of this suite, & a fine of forty pounds to the King, & that he remaine in Custody untill he give security of five hundred pounds to bee of y^e good behavior, & not to act in any public Capacity in those parts unlesse he receive & produce sufficient authority & commission for the same

Upon his desire Appeale is admitted hee giving five hundred pound security more to prosecute it & to answer any further Action that may be entred against him for his past actings there.

By order of the Speciall Co^{rt} of Assizes

MATTHIAS NICOLLS Sect.

Council Minute—Thomas Olive and Other Passengers of the Ship "Kent" Ask for, and Receive Permission to Settle in West Jersey.

[From "New York Colonial Documents," Vol. XII., p. 579.]

At a Councill Augt 4th 1677

Thomas Olive, Daniel Willes, John Penford, Joseph Helmely, Rob^t Stacy, and Benjamin Scott, Informing the Governor of their being lately come from England in the good ship the Kent, Gregory Marloe, Master, now riding in the Bay near Sandy Hoeck, intended with about two hundred persons to settle in West New-Jersey to the east of Delaware River or Bay, claiming the authority of proprietors and jurisdiction in said parts, for which Produce deed or indentures from his Royall Highnesse to my Lord John Berkley and S^t George Carteret both of his Ma^{ties}

most hon^{ble} Privy Councill &c bearing date the 23^d & 24th day of June 1664, in the 16th yeare of his Ma^{ties} reign as p^r s^d deed to be called New Jersey &c, and severall other Indentures and Deeds of the 18th of March 1673, in the 26th yeare of y^e King, of the 9th & 10th of February 1674, from my lord Jno. Berkly to Jn^o Fenwyck, for a moyety of said New Jersey, and from John Fenwick & Edward Billing to W^m Pen, Gawan Lawry and Nicholas Lucas and a Commission of the 4th of April 1677, from W^m Pen, Gawan Lawry and Nicholas Lucas, and Edward Billing, to Tho: Olive &c Eight to bee Commissioners authorized from them for west New Jersey and desired time granted them for about three days to produce a deed of Particon and what else they might have to show or say, which having done upon the 6th day said deed bearing date the first of July 1676 in 28th yeare of the King, and heard in all they would alleadge thereupon, so desireing answer, It being taken into consideracon & how the Governo^r should act therein, And records being called for, itt appearing by his Ma^{ties} Lett^{rs} Pattents of the 24th of August 1674, the 26th yeare of the King that the Governo^r was authorized and commanded, and did receive these countreyes from the Dutch and by order and Commission from his R^l H^s at that time for the same, hath continued in the possession and Government thereof under his R. H^s, Advised & Resolved, that the Governo^r is not discharged (by any thing the above Tho. Olive &c have produced) nor can unless by some authority of later date. But upon consideracon of so many persons as alleaged on board, come over upon said accompt of settlem^t,

Resolv'd & Ordered that they may all freely land in these parts or proceed to Delaware to settle any unimproved land duly purchased submitting under this Governm^t as other his Ma^{ties} subjects in every respect for all things and differences, unlesse and till they shall recive and produce to the Governor here sufficient authority or order from England for his discharge

The Concessions and Agreements of West Jersey.

[From Leaming & Spicer's "Grants and Concessions," p. 382.]

THE CONCESSIONS AND AGREEMENTS of the Proprietors, Freeholders and Inhabitants of the Province of West New-Jersey, in America

CHAPTER I.

WE do consent and agree, as the best present Expedition, that such Persons as shall be from Time to Time, deputed, nominated and appointed Commissioners by the present *Proprietors* or the Major Part of them, by Writing, under their Hands and Seals, shall be Commissioners for the Time being, and have Power to order and manage the Estate and Affairs of the said Province of *West New-Jersey*, according to these our Concessions, hereafter following, and to depute others in their Place and Authority in Case of Death or removal, and to continue until some other Persons be deputed, nominated and appointed by the same *Proprietors*, or the Major Part of them, to succeed them in that Office and Service. And the Commissioners for the Time being are to take Care for forth and dividing all the Lands of the said Province, as be already taken up, or by themselves shall be taken up and contracted for with the Natives, and the said Land so taken up and contracted for to divide into one Hundred Parts, as occasion shall require; that is to say, for every quantity of Land that they shall from Time to Time lay out to be planted and settled upon, they shall first for Expedition divide the same into Ten equal Parts or Shares; and for distinction sake to mark in the Register, and upon some of the Trees belonging to every Tenth Part, with the Letters *A B.* and so end at the Letter *K.* And after the same is so divided and marked, the said Commissioners are to grant unto *Thomas Hutchinson* of *Beverly*, *Thomas*

Pearson of Bonwick, Joseph Helmsley, of Great Kelk, George Hutchinson of Sheffield, and Mahlon Stacy of Hansworth, all of the County of York, or their lawful Deputies, or particular Commissioners, for themselves and their Friends, who are a considerable Number of People, and may speedily promote the Planting of the said Province; that they may have free liberty to make choice of any one of the said Tenth Parts, or Shares, which shall be first divided and set out, being also done with their Consent, that they may Plant upon the same as they see meet; and afterward any other Person or Persons, who shall go over to inhabit, and have purchased to the Number of Ten Proprieties, they shall and may have Liberty to make choice of any of the remaining Parts or Shares, to settle in; and all other Proprietors, who shall go over to settle as aforesaid, and cannot make up amongst them, the Number of Ten Proprieties, yet nevertheless they shall and may have liberty to make choice of settling in any of the said Tenth Shares that shall not be taken up before. And the Commissioners have hereby Power to see the said one Tenth Part, that they shall so make choice of, laid out and divided into Ten Proprieties, and to allot them so many Proprieties, out of the same, as they have Orders for: And the said Commissioners are to follow these Rules, until they receive contrary Order from the Major Part of the Proprietors under their Hands and Seals.

The said Commissioners for the Time being have hereby Power for appointing and setting out fit Places for Towns, and to limit the Boundaries thereof, and to take care they be as regular built as the present Occasion, Time and Conveniency of the Places will admit of; and that all Towns to be erected and built, shall be with the Consent of the Commissioners for the Time being, or the Major Part of them. And further, the said Commissioners are to Order the Affairs of the Province according to these Concessions, and any other Instructions that shall be given them by the Major Part of the Proprietors, until such Time as more

or other Commissioners shall be chosen by the Inhabitants of *West Jersey*, as here in these Concessions is mentioned and appointed.

And it is further expressly provided and agreed to; that whereas there is a Contract or Agreement granted by *William Penn, Gawen Lawry, and Nicholas Lucas*, unto *Thomas Hutchinson, Thomas Pearson, Joseph Helmsly, George Hutchinson, and Mahlon Stacy*, dated the *second Day of the Month called March, 1676*, Instant; wherein they Grant unto the said Persons, certain Privileges for a Town to be built, whereby they have liberty to choose their own Magistrates and Officers, for executing the Laws, according to the Concessions within the said Town: Which said Contract or Agreement, is to be held firm and good to all Intents and Purposes, and we do by these our Concessions confirm the same.

Chapter II.

AND that all and every Person and Persons, may enjoy his and their just and equal *Propriety*, and Purchase of Lands in the said Province: It is hereby agreed, concluded and ordained, that the Survey or Surveyors, that the said *Proprietors* have deputed and appointed, or shall depute or appoint; they failing, that the Commissioners shall depute and appoint, or that the General Free Assembly hereafter shall depute and appoint, shall have Power by him or themselves, or his or their lawful Deputy, or Deputies, to survey, lay out or bound, all the *Proprietors* Lands, and all such Lands as shall be Granted from any of the *Proprietors* to the Freeholders, Planters, or Inhabitants, and a particular or terryor thereof, to certify to the Register, to be Recorded.

Chapter III.

THAT hereafter upon further Settlement of the said Province, the *Proprietors*, Freeholders, and Inhabitants, resident upon the said Province, shall and may at or upon the *five and Twentieth Day of the Month called March*, which shall be in the Year according to the *English Ac-*

count, *One Thousand six Hundred and Eighty*, and so thence forward, upon the *five* and *Twentieth* Day of *March* Yearly, by the ninth Hour in the Morning of the said Day, assemble themselves together in some publick Place, to be ordered and appointed by the Commissioners for the Time being; and upon default of such appointment, in such Place as they shall see meet, and then and there elect of and amongst themselves, Ten honest and able Men, fit for Government, to officiate and execute the Place of Commissioners for the Year ensuing, and until such Time as Ten more for the Year then next following, shall be elected and appointed: Which said Elections shall be as followeth, That is to say, the Inhabitants each Ten of the one Hundred *Proprietors* shall elect and choose one, and the one Hundred *Proprietors* shall be divided into Ten Divisions or Tribes of Men.

And the said Elections shall be made and distinguished by ballating Trunks, to avoid noise and confusion, and not by Voices, holding up of the Hands, or otherwise howsoever: Which said Commissioners so Yearly to be elected, shall likewise govern and order the Affairs of the said Province, (*pro tempore*) for the good and welfare of the said People, and according to these our Concessions, until such Time as a General free Assembly shall be elected and deputed in such manner and wise as his hereafter expressed and contained.

Chapter IV.

And that the Planting of the said Province be the more speedily promoted, it is consented, granted, concluded, agreed and declared.

First. THAT the *Proprietors* of the said Province, have and do hereby Grant unto all Persons who by and with the consent of one or more of any of the *Proprietors* of the said Province, attested by a Certificate, under his or their Hands and Seals, Adventure to the said Province of *West New-Jersey*, and shall Transport themselves or Servants

before the *first* Day of the Month commonly called *April*, which shall be in the year of our Lord, *one Thousand six Hundred Seventy and seven*, these following Proportions, *viz.* For his own Person arriving, Seventy Acres of Land *English* Measure, and for every able Man Servant that he shall carry with him, and arriving there, the like quantity of Seventy Acres of Land *English* Measure. And whosoever shall send Servants before that Time, shall have for every able Man Servant, he or they so send as aforesaid, and arriving there, the like quantity of Seventy Acres; and for every weaker Servant, Male or Female, exceeding the Age of Fourteen Years, which any one shall send or carry, arriving there, Fifty Acres of Land, and after the Expiration of their Time of Service, Fifty Acres of Land for their own Use and Behooff, to hold to them and their Heirs forever. All such Person and Persons, Freemen or Servants and their respective Heirs, and Assigns, afterwards paying Yearly to the Proprietor, his Heirs and Assigns, to whom the said Lands belong, *one penny* an Acre, for what shall be laid out in Towns, and *one half penny* an Acre for what shall be laid out elsewhere. The first Yearly Payment to begin within two Years after the said Lands are laid out.

II. To every Master or Mistress, that by and with such consent aforesaid, shall go hence the second Year, before the first Day of the Month called *April*, which shall be in the Year *one Thousand six Hundred Seventy and eight*, Fifty Acres of Land, and for every able Man Servant, that he or she shall carry or send, and arriving there, the like quantity of Fifty Acres of Land, and for every weaker Servant, Male or Female, exceeding the Age of Fourteen Years, arriving there, Thirty Acres of Land: and after the expiration of their Service, Thirty Acres of Land for their own use and behoof, to hold to them and their Heirs for ever; all the said Persons and their respective Heirs and Assigns, Yearly paying as aforesaid, to the Proprietor, his Heirs, and Assigns, to whom the Land belongs, *one penny*

farthing the Acre, for all such Lands as shall be laid out in Towns, and *three Farthings* the Acre, for all that shall be laid out elsewhere.

III. To every Freeman that shall arrive in the said Province, within the third Year, from the *first Day* of the Month commonly called *April*, in the Year *one Thousand six Hundred Seventy and eight*, to the *first* of the said Month called *April, one Thousand six Hundred Seventy and nine*, (with an Intention to Plant) Forty Acres of Land *English Measure*; and for every able Man Servant that he or she shall carry or send as aforesaid, Forty Acres of Land of like Measure; and for every weaker Servant, aged as aforesaid, that shall be so carried or sent thither within the third Year as aforesaid, Twenty Acres of Land of like Measure; and after the Expiration of his or their Time of Service, Twenty Acres of Land for their own Use and Behoof, to Hold to them and their Heirs forever; all the said Persons and their Heirs and Assigns, paying Yearly as aforesaid, to the Proprietor, his Heirs or Assigns, with whom they contract for the same, *one penny half penny* the Acre, for what shall be laid out in Towns, and *one Penny* the Acre for what shall be laid out elsewhere. All which Lands that shall be possessed in the said Province are to be held under, and according to the Concessions and Conditions as is before mentioned, and as hereafter in the following Paragraph, is more at large expressed. PROVIDED ALWAYS, that the before mentioned Land, that shall be taken up and so settled in the Province as aforesaid, shall from the Date hereof, be held upon the Conditions aforesaid, containing at least two able Men Servants, or three such weaker Servants as aforesaid, for every Hundred Acres, and so proportionably for a lesser or greater quantity as one Hundred Acres, besides what a Master or Mistress shall possess, which was granted for his or her own Person, in failer of which upon Notation to the present Occupant or his Assigns, there shall be three Years given to such for the completing the said Number of Servants;

and for their Sale or other dispose of such Part of their Lands as are not so Peopled : Within which time of three Years, if any Person holding any Land shall fail by himself, his Agents, Executors or Assigns, or some other way to provide such Number of Persons, (unless the General Assembly shall without respect to Poverty, judge it was impossible for the Party so failing to keep his or her Number of Servants to be provided as aforesaid) in such Case the Commissioners are to summon together Twelve Men of the Neighbourhood, upon such Inquest, Verdict and Judgment past of such default, they are and have Power of disposing of so much of such Land for any Term of Years, not exceeding Twenty Years, as shall not be Planted with its due number of Persons as aforesaid, to some other that will plant the same, reserving and preserving to the Proprietor, or his lawful Assigns, the Rents to become due and owing for, or in respect of the same, according to the Tenure and Effect of these Concessions. And further, that every Proprietor that goeth over in Person, and inhabit in the said Province, shall keep and maintain upon every Lot of Land that they shall take up, one Person at least ; and if the Lot shall exceed two Hundred Acres, he shall keep and maintain for every two Hundred Acres, the like quantity of one Person at least.

And for all other Proprietors that doth but go over in Person, and inhabit in the said Province, shall keep and maintain upon every Lot of Land that shall fall to them, one Person at the least ; and if the said Lot exceed one Hundred Acres, then upon every Hundred Acres that fall to them as aforesaid, they shall keep and maintain one Person at the least : And if any neglect or deficiency shall be found in any of the Proprietors of their keeping and maintaining the Number of Persons before mentioned, that then and in that Case the Commissioners are to dispose upon the said Lands for any Term of Years not exceeding Twenty, to any Person or Persons, that will keep and maintain upon the said Lands, the Number of Persons as before

is mentioned ; reserving always unto the said Proprietors, the Rents that shall fall due for the same, as before is reserved and appointed to be so. Always Provided, that the keeping and maintaining of the said Number of Persons upon the several Lots and Number of Acres before mentioned, is to continue for Ten Years from the Date of the Concessions and no longer, except where there have been any deficiency, so as the Commissioners have let the Lands for a longer time to any Person or Persons, they are to enjoy the same during the Term granted them by the Commissioners, any thing in this last Proviso, to the contrary notwithstanding.

Chapter V.

And for the regular laying out of all Lands, whatsoever in the said Province, this Method is to be followed by the Register and Surveyor.

THAT the Register to be appointed as aforesaid, having Recorded any Grant from any of the Proprietors, to any Person for any quantity or quantities of Acres, shall make out a Certificate to the Surveyor or his Deputy, enjoying him to lay out, limit and bound Acres of
Land for *A B.* out of the several Lots of *C D.* one of the Proprietors in the Proportions following, that is to say
Part thereof in the Lot of the said *C D.*

in which the Surveyor or his Deputy
shall lay out, limit and bound accordingly, and shall certify back to the Register, on what Point of the Compass, the several limits thereof lie, and on whose Lands the several Parcels But and Bound ; which last Certificate shall be entered by the said Register, or his Deputy, in a Book for that Purpose, with an Alphabetical Table of the Proprietors Names, and the Name of the Planter or Purchaser, referring to the said Certificate, shall by the said Register be endorsed on the back of the Grant, with the Folio of the Book, in which it is entered, and his Name Subscribed to the said Indorsement.

And that the Commissioners for the Time being are hereby impowered to ascertain the Rates and Fees of the publick Register, Surveyor, and other Officers, as they shall see meet and reasonable, how much, or what every one shall pay for the Registering any Conveyance, Deed, Lease, Specialty, Certificate or other Writing; as also what shall be paid by every Proprietor for surveying, dividing, and laying out of any Lands in the said Province; which said Register, Surveyor, or other Officer is not to exact or demand any more or greater Rates, as shall be established as aforesaid.

Chapter VI.

We do also grant convenient Portions of Land for Highways, and for Streets, not under one Hundred Foot in Breadth, in Cities, Towns and Villages.

And for Wharfs, Keys, Harbours, and for publick Houses in such Places as the Commissioners for the Time being (until there be a general Assembly) shall appoint, and that all such Lands laid out for the said Uses and Purposes, shall be free and exempt from all Rents, Taxes and other Charges and Duties whatsoever; as also that the Inhabitants of the said Province, have free Passage through, or by any Seas, Bounds, Creeks, Rivers, Rivelets in the said Province, through or by which they must necessarily pass, to come from the main Ocean to any Part of the Province aforesaid; as also by Land in ways laid out, or through any Lands not planted or enclosed.

That all the Inhabitants within the said Province of *West-Jersey*, have the Liberty of Fishing in *Delaware* River, or on the Sea Coast, and the liberty of hunting, and killing any Deer, or other wild Beasts, the liberty to Shoot, or take any wild Fowl within the said Province. PROVIDED ALWAYS that they do not Hunt, Kill, Shoot, or take any such Deer, wild Beasts, or Fowls upon the Lands, that is or shall be surveyed, taken up, inclosed, sown, and planted, except the Owners of the said Lands, or their Assigns.

Chapter VII.

THE Commissioners are to take care that Lands quietly held, planted, and possessed seven Years, after it's being first duly surveyed by the Surveyor, Surveyors, his or their lawful Deputies, which shall be appointed by the said Proprietors and Registered in manner as aforesaid, shall not be Subject to any Review, Resurvey or Alteration of Bounds, upon any pretence, or by any pretence, or by any Person or Persons whatsoever.

Chapter VIII.

THE Commissioners are to take care that no Man if his Cattle stray, range or graze on any Ground, within the said Province, not actually appropriated or set out to particular Persons, shall be liable to pay any Trespass for the same, provided that Custom of Commons be not thereby pretended to, nor any Person hindred from legally taking up and appropriating any Land so grazed upon.

Chapter IX.

THE Commissioners are to see that all Courts established by the Laws and Constitutions of the General Assembly, and pursuant unto those Concessions, do execute their several Duties and Offices respectively accordingly to the Laws in Force, and to displace or punish them for violating the said Laws, or acting contrary to their Duty and Trusts, as the nature of their Offences shall require; and where they see Cause after Condemnation or Sentence past upon any Person or Persons by any Judge, Justice, or Court whatsoever, the said Commissioners have Power to reprove and suspend the Execution of the Sentence, until the Cause be presented, with a Copy of the whole Tryal, Proceedings and Proofs to the next General Assembly, who may accordingly either Pardon, or command Execution of the Sentence on the Offender or Offenders, who are to be kept in the mean time in safe Custody, until the sense of the General Assembly be known therein.

Chapter X.

To Act and do all other Thing or Things, that may conduce to the Safety, Peace and well Government of the said Province and these present Concessions, and that all Inferior Officers be accountable to the Commissioners, and they to be accountable to the General Assembly. The Commissioners are to take care that the Constables of the said Province, shall collect such of Proprietors Rents, who dwell not in the said Province, but in *England, Ireland, or Scotland*, and shall pay it to the Receiver, that they shall appoint to Receive the same, unless the General Assembly shall prescribe some other way, whereby they may have their Rents duly collected, without Charge and Trouble to the said Proprietors.

Chapter XI.

THEY are not to impose or suffer to be imposed any Tax, Custom, or Subsidy, Tollage, Assessment, or any other Duty whatsoever, upon any Colour or Pretence, how specious soever, upon the said Province and Inhabitants thereof, without their own consent first had, or other than what shall be imposed by the Authority and Consent of the General Assembly, and that only in manner and for the good Ends and Uses as aforesaid.

Chapter XII.

THAT the said Commissioners, Registers, Surveyors, and all and every other publick Officers of Trust whatsoever, already deputed and chosen, are hereafter from Time to Time to be deputed and chosen, shall Subscribe (in a Book or Books to be provided for that Purpose) that they will truly and faithfully discharge their respective Trusts, according to the Laws of the said Province, and Tennor of these Concessions, in their respective Offices and Duties, and do equal Justice and Right to all Men, according to their best Skill and Judgment, without Corruption, Favour, or Affection, and the Names of all that shall Subscribe to be entered in the said Book. And whosoever shall Sub-

scribe, and shall violate, break or any wise falsify his Promise, after such Subscription, shall be liable to be Punished or Fined, and also be made incapable of any publick Office within the said Province.

THE CHARTER OR FUNDAMENTAL LAWS, OF WEST-JERSEY AGREED UPON.

Chapter XIII.

That the following Concessions are the Common Law, or Fundamental Rights, of the Province of West New-Jersey.

THAT the Common Law or Fundamental Rights and Privileges of *West New-Jersey*, are individually agreed upon by the Proprietors and Freeholders thereof, to be the Foundation of the Government, which is not to be altered by the Legislative Authority, or free Assembly hereafter mentioned and constituted, but that the said Legislative Authority is constituted according to these Fundamentals, to make such Laws as agree with, and maintain the said Fundamentals, and to make no Laws that in the least contradict, differ or vary from the said Fundamentals, under what Pretence or Alligation soever.

Chapter XIV.

BUT if it so happen that any Person or Persons of the said free Assembly, shall therein designedly, willfully, and maliciously, move or excite any to move, any Matter or Thing whatsoever, that contradicts or any ways Subverts, any Fundamentals of the said Laws in the Constitution of the Government of this Province, it being proved by seven honest and reputable Persons, he or they shall be proceeded against as Traitors to the said Government.

Chapter XV.

THAT these Concessions, Law or Great Charter of Fundamentals, be recorded in a fair Table, in the Assembly

House, and that they be read at the beginning and dissolving of every General free Assembly: And it is further agreed and ordained, that the said Concessions, Common Law, or great Charter of Fundamentals, be writ in fair Tables, in every common Hall of Justice within this Province, and that they be read in solemn manner four times every Year, in the presence of the People, by the chief Magistrates of those Places.

Chapter XVI.

THAT no Men, nor number of Men upon Earth, hath Power or Authority to rule over Men's Consciences in religious Matters, therefore it is consented, agreed and ordained, that no Person or Persons whatsoever within the said Province, at any Time or Times hereafter, shall be any ways upon any pretence whatsoever, called in Question, or in the least punished or hurt, either in Person, Estate, or Privilege, for the sake of his Opinion, Judgment, Faith or Worship towards God in Matters of Religion. But that all and every such Person, and Persons, may from Time to Time, and at all Times, freely and fully have, and enjoy his and their Judgments, and the exercise of their Consciences in Matters of religious Worship throughout all the said Province.

Chapter XVII.

THAT no Proprietor, Freeholder or Inhabitant of the said Province of *West New-Jersey*, shall be deprived or condemned of Life, Limb, Liberty, Estate, Property or any ways hurt in his or their Privileges, Freedoms or Franchises, upon any account whatsoever, without a due Tryal, and Judgment passed by Twelve good and lawful Men of his Neighbourhood first had: And that in all Causes to be tryed, and in all Tryals, the Person or Persons, arraigned may except against any of the said Neighbourhood, without any Reason rendered, (not exceeding Thirty five) and in case of any valid reason alledged, against every Person nominated for that Service.

Chapter XVIII.

AND that no Proprietor, Freeholder, Freedension, or Inhabitant in the said Province, shall be attached, arrested, or imprisoned, for or by reason of any Debt, Duty or other Thing whatsoever (Cases Felonious, Criminal and Treasonable excepted) before he or she have personal Summon, or Summons, left at his or her last dwelling Place, if in the said Province, by some legal authorized Officer, constituted and appointed for that Purpose, to appear in some Court of Judicature for the said Province, with a full and plain account of the Cause or Thing in demand, as also the Name or Names of the Person or Persons at whose suit, and the Court where he is to appear, and that he hath at least Fourteen Days Time to appear and answer the said suit, if he or she live or inhabit within Forty Miles *English* of the said Court, and if at a further distance, to have for every Twenty Miles, two Days time more, for his and their appearance, and so proportionably for a larger distance of Place.

That upon the Recording of the Summons, and non appearance of such Person and Persons, a Writ or attachment shall or may be issued out to arrest, or attach the Person or Persons of such defaulters, to cause his or their Appearance in such Court, returnable at a Day certain, to answer the Penalty or Penalties, in such Suit or Suits; and if he or they shall be condemned by legal Tryal and Judgment, the Penalty or Penalties shall be paid and satisfied out of his or their real or personal Estate so condemned, or cause the Person or Persons so condemned, to lie in Execution till Satisfaction of the Debt and Damages be made. PROVIDED ALWAYS, if such Person or Persons so condemned, shall pay and deliver such Estate, Goods, and Chattles which he or any other Person hath for his their use, and shall solemnly declare and aver, that he or they have not any further Estate, Goods or Chattles wheresoever, to satisfy the Person or Persons, (at whose Suit, he or they are condemned) their respective Judgments, and

shall also bring and produce three other Persons as compurgators, who are well known and of honest Reputation, and approved of by the Commissioners of that Division, where they dwell or inhabit, which shall in such open Court, likewise solemnly declare and aver, that they believe in their Consciences, such Person and Persons so condemned, have not werewith further to pay the said Condemnation or Condemnations, he or they shall be thence forthwith discharged from their said imprisonment, any Law or Custom to the contrary thereof, heretofore in the said Province, notwithstanding. And upon such Summons and Default of appearance, recorded as aforesaid, and such Person and Persons not appearing within Forty Days after, it shall and may be lawful for such Court of Judicature to proceed to tryal, of twelve lawful Men to Judgment, against such Defaulters, and issue forth Execution against his or their Estate, real and personal, to satisfy such Penalty or Penalties, to such Debt and Damages so Recorded, as far as it shall or may extend.

Chapter XIX.

THAT there shall be in every Court, three Justices or Commissioners, who shall sit with the twelve Men of the Neighbourhood, with them to hear all Causes, and to assist the said Twelve Men of the Neighbourhood in Case of Law; and that they the said Justices shall pronounce such Judgment as they shall receive from, and be directed by the said Twelve Men, in whom only the Judgment resides, and not otherwise.

And in Case of their neglect and refusal, that then one of the Twelve, by consent of the rest, pronounce their own Judgment as the Justices should have done.

And if any Judgment shall be past, in any Case Civil or Criminal, by any other Person or Persons, or any other way, then according to this Agreement and Appointment, it shall be held null and void, and such Person or Persons so presuming to give Judgment, shall be severely Fin'd,

and upon complaint made to the General Assembly, by them be declared incapable of any Office or Trust within this Province.

Chapter XX.

THAT in all Matters and Causes, Civil and Criminal, Proof is to be made by the solemn and plain averment, of at least two honest and reputable Persons; and in Case that any Person or Persons shall bear false Witness, and bring in his or their Evidence, contrary to the Truth of the Matter as shall be made plainly to appear, that then every such Person or Persons, shall in Civil Causes, suffer the Penalty which would be due to the Person or Persons he or they bear Witness against. And in Case any Witness or Witnesses, on the behalf of any Person or Persons, Indicted in a Criminal Cause, shall be found to have born false Witness for Fear, Gain, Malice or Favour, and thereby hinder the due Execution of the Law, and deprive the suffering Person or Persons of their due Satisfaction, that then and in all other Cases of false Evidence, such Person or Persons, shall be first severely Fined, and next that he or they shall forever be disabled from being admitted in evidence, or into any publick Office, Employment, or Service within this Province.

Chapter XXI.

THAT all and every Person and Persons whatsoever, who shall prosecute or prefer any Indictment or Information against others for any personal Injuries, or Matter Criminal, or shall Prosecute for any other Criminal Cause, (Treason, Murther, and Felony, only excepted) shall and may be Master of his own Process, and have full Power to forgive and remit the Person or Persons offending against him or herself only, as well before as after Judgment, and Condemnation, and Pardon and Remit the Sentence, Fine and Punishment of the Person or Persons Offending, be it personal or other whatsoever.

Chapter XXII.

THAT the Tryals of all Causes, Civil and Criminal, shall

be heard and decided by the Verdict or Judgment of Twelve honest Men of the Neighbourhood, only to be summoned and presented by the Sheriff of that Division, or Propriety where the Fact or Trespass is committed ; and that no Person or Persons shall be compelled to Fee any Attorney or Counciller to plead his Cause, but that all Persons have free Liberty to plead his own Cause, if he please : And that no Person nor Persons imprisoned upon any account whatsoever within this Province, shall be obliged to pay any Fees to the Officer or Officers of the said Prison, either when committed or discharged.

Chapter XXIII.

THAT in all publick Courts of Justice for Tryals of Causes, Civil or Criminal, any Person or Persons, Inhabitants of the said Province, may freely come into, and attend the said Courts, and hear and be present, at all or any such Tryals as shall be there had or passed, that Justice may not be done in a Corner nor in any Covert manner, being intended and resolved, by the help of the Lord, and by these our Concessions and Fundamentals, that all and every Person and Persons Inhabiting the said Province, shall, as far as in us lies, be free from Oppression and Slavery.

Chapter XXIV.

For the preventing of Fraud, Deceit, Collision in Bargains, Sales, Trade and Traffick, and the usual Contests, Quarrels, Debates and utter Ruin, which have attended the People in many Nations, by costly, tedious vexatious and Law Suits, and for a due Settlement of Estates.

It is agreed, concluded, and ordained, that there be kept a Register at *London*, within the Nation of *England*. And also another Register within the Province of *New West-Jersey*, and that all Deeds, Evidences, and Conveyances of Land in the said Province of *New West-Jersey*, that shall

be executed in *England*, may also be there Registered ; and once every Year, the Register of the said Deeds and Conveyances, so Registered, shall be duly transmitted under the Hands of the Register and three Proprietors unto the Commissioners in *New West Jersey*, to be enroled in the publick Register of the said Province. As also that the chief Register, which the said Proprietors have deputed or chosen, or shall depute or choose failing, that the Commissioners shall depute or choose, or which the General Assembly of the said Province, hereafter mentioned, shall depute or choose, shall keep exact Entries and Registers in fair Books, or Rolls for that purpose to be provided, of all publick Affairs, and therein shall record and enter all Grants of Land, from the Proprietors to the Planters, and all Conveyances of Land, House or Houses, from Man to Man, as also all Assignments, Mortgages, Bonds, Specialties whatsoever, and all Leases for Land, House or Houses, made, or to be made from Landlord to Tenant, and from Person to Persons ; which Conveyances, Leases, Assignments, Mortgages, Bonds, and Specialties which shall be executed in *West New-Jersey*, shall be first acknowledged by the Grantor, Assignor, and Obligor, before the said Commissioner or two of them at least, or some two of their lawful Deputies for the Time being ; who shall under their Hands, upon the back Side of the said Deed, Lease, Assignment, Mortgage, or Specialty, attest the acknowledgement thereof as aforesaid, which shall be a Warrant, for the Register to Record the same ; and such Conveyance or Specialty, if sealed, executed, acknowledged before three Proprietors, in the Nation of *England*, or *Ireland*, and recorded or registered there within three Months after the Date thereof, or if sealed, executed and acknowledged in the said Province, or elsewhere out of *England*, and recorded or registred within six Months after the Date thereof, shall be good and effectual in Law, and for passing or transferring of Estates in Lands, Tenements, or Hereditaments, shall be as effectual as if delivery and seizen were

executed of the same. And all other Conveyances, Deeds, Leases, or Specialties not Recorded as aforesaid, shall be of no Force nor Effect: And the said Register, shall do all other Thing or Things, the said Proprietors by their Instructions shall direct, or the Commissioners or Assembly shall ordain, for the good and welfare of the said Province.

Chapter XXV.

That there may be a good understanding and friendly correspondence between the Proprietors, Freeholders, and Inhabitants of the said Province, and the Indian Natives thereof.

It is concluded and agreed, that if any of the Indian Natives within the said Province, shall or may do any wrong or injury to any of the Proprietors, Freeholders, or Inhabitants, in Person, Estate or otherways howsoever, upon Notice thereof, or Complaint made to the Commissioners, or any two of them, they are to give Notice to the Sachem, or other chief Person or Persons, that hath Authority over the said Indian Native or Natives, that Justice may be done, and Satisfaction made to the Person or Persons Offended, according to Law and Equity, and the Nature and Quality of the Offence and Injury done or committed.

And also in Case any of the Proprietors, Freeholders, or Inhabitants shall any wise wrong, or injure any of the Indian Natives there, in Person, Estate or otherwise, the Commissioners are to take Care upon Complaint to them made, or any one of them, either by the Indian Natives or others, that Justice be done to the Indian Natives, and plenary Satisfaction made them according to the Nature and Quality of the Offence and Injury. And that in all Tryals wherein any of the said Indian Natives are concerned, the Tryal to be by six of the Neighbourhood, and six of the said Indian Natives, to be indifferently and impartially Chosen by Order of the Commissioners, and that the Commissioners use their endeavour, to perswade the Natives to the like way of Tryal, when any of the

Natives do any ways wrong or injure the said Proprietors, Freeholders or Inhabitants, that they choose six of the Natives, and six of the Freeholders or Inhabitants, to judge of the wrong and injury done, and to proportion Satisfaction accordingly.

Chapter XXVI.

It is agreed when any Lands is to be taken up for Settlements of Towns, or otherways, before it be surveyed, the Commissioners or the Major Part of them are to appoint some Persons to go to the chief of the Natives concerned in that Land, so intended to be taken up, to acquaint the Natives of their intention, and to give the Natives what present they shall agree upon, for their good Will or Consent, and take a Grant of the same in Writing, under their Hands and Seals, or some other publick way used in those Parts of the World; which Grant is to be Registered in the publick Register, allowing also the Natives (if they please) a Copy thereof, and that no Person or Persons, take up any Land, but by order from the Commissioners, for the Time being.

Chapter XXVII.

THAT no Ship Master or Commander of any Ship or Vessel, shall receive into his Ship or Vessel, to carry unto any other Nation, Country or Plantation, any Person or Persons whatsoever, without a Certificate first had and obtained under the Hands and Seals of the Commissioners, or any two of them, that the said Person or Persons are clear, and may be taken on Board, signifying that the said Person or Persons Names have been put up at three publick Places of the Province, appointed by the Commissioners for that Purpose, for the space of three Weeks giving Notice of his or their Intention to transport themselves.

Chapter XXVIII.

That Men may peaceably and quietly enjoy their Estates.

It is agreed if any Person or Persons shall steal, rob, or

take any Goods or Chattles, from or belonging to any Person or Persons whatsoever, he is to make Restitution two fold out of his or their Estate, and for want of such Estate, to be made to Work for his theft, for such Time and Times as the Nature of the Offence doth require, or until Restitution be made double for the same, or as Twelve Men of the Neighbourhood shall determine, being appointed by the Commissioners, not extending either to Life or Limb.

If any Person or Persons, shall willfully beat, hurt, wound, assault, or otherways abuse the Person or Persons of any Man, Woman, or Child, they are to be punished according to the Nature of the Offence, which is to be determined by Twelve Men of the Neighbourhood, appointed by the Commissioners.

Chapter XXIX.

For securing Estates of Persons that die, and taking care of Orphans.

First. If any Person or Persons die, the Commissioners are to take Care that the Will of the deceased be duly performed, and Security given by those that prove the Will: And that all Wills or Testaments be Registered in a publick Register appointed for that Purpose, and the Person and Persons that prove the same, to bring in one true Inventory under their Hands of all the Estate of the deceased, and to have a Warrant under the Hands of three Commissioners, and the publick Seal of the Province, Intimating that they have brought in an Inventory of the Estate, and given security. Then and not before, are they to dispose upon the Estate.

II. If any Person die intestate, leaving a Wife and Children, the Commissioners are to take security from the Person that shall Administer, to secure two Parts of the Estate for the Children, and the third to the Wife, if there be any, and if there be no Child, then half to the next of Kin, and the other to the Wife.

III. If the Parents of Children be dead, and no Will made, then the Commissioners are to appoint two or more Persons to take the Charge of the Children, and Estate, and to bring in an Inventory of the Estate to be Registered, and that the said Persons are to make good to the Children, what Part of the Estate shall come into their Hands, and to give a true Account of their Receipts and Disbursements, to be approved of by the Commissioners.

IV. If Parents die, leaving Child or Children, and no Estate, or not sufficient to maintain and bring up the said Child or Children, in that Case the Commissioners are to appoint Persons to take Care for the Child or Children, to bring them up in such manner as the Commissioners shall appoint, and the Charges thereof to be born by the publick Stock of the Province; and if none be established, then by a Tax to be levied by Twelve Men of the Neighbourhood, with the consent of the Commissioners, or the main Part of them.

Chapter XXX.

In Case when any Person or Persons kill or destroy themselves, or be killed by any other thing.

It is agreed if any Man or Woman shall wilfully put hand and kill him or herself, the Estate of such Person or Persons, is not to be forfeited, but the Kindred, Heirs or such other as of Right the Estate belongs to, may enjoy the same: Or if any Beast or Ship, Boat or other Thing, should occasion the Death of any Person or Persons, nevertheless the said Beast, Ship, Boat, or other Thing is not to be forfeited, but those to whom they belong may enjoy the same. PROVIDED ALWAYS, that the said Beast did not wilfully kill the said Person, or hath been known to attempt or addicted to Mischief, or hath been found to hurt or kill any Person; then the said Beast is to be killed.

Chapter XXXI.

ALL such Person or Persons as shall be upon Tryal found guilty of Murder, or Treason, the Sentence and Way of

Execution thereof, is left to the General Assembly to determine as they in the Wisdom of the Lord shall judge meet and expedient.

The General Assembly and their Power.

Chapter XXXII.

THAT so soon as Divisions or Tribes, or other such like Distinctions are made; that then the Inhabitants, Freeholders, and Proprietors, Resident upon the said Province, or several and respective Tribes, or Divisions or Distinctions aforesaid, do Yearly and every Year meet on the *first* Day of *October*, or the eight Month, and choose one Proprietor or Freeholder for each respective Propriety in the said Province, (the said Province being to be divided into one Hundred Proprieties) to be Deputies, Trustees, or Representatives for the Benefit, Service and Behoof of the People of the said Province: Which Body of Deputies, Trustees or Representatives, consisting of one Hundred Persons, chosen as aforesaid, shall be the General, Free and Supream Assembly of the said Province for the Year ensuing and no longer. And in Case any Member of the said Assembly during the said Year, shall decease or otherwise be rendered incapable of that Service, that then the Inhabitants of the said Propriety, shall elect a new Member to serve in his Room for the remainder of the said Year.

Chapter XXXIII.

And to the end the respective Members of the Yearly Assembly to be chosen may be regularly and impartially elected.

THAT no Person or Persons who shall give, bestow or promise directly or indirectly to the said Parties electing, any Meat, Drink, Money or Money's worth, for procurement of their Choice and Consent, shall be capable of being elected a Member of the said Assembly. And if any Person or Persons, shall be at any Time corruptly elected, and

sufficient Proof thereof made to the said free Assembly, such Person or Persons so electing or elected, shall be reckoned incapable to choose or sit in the said Assembly, or execute any other publick Office of Trust within the said Province, for the space of seven Years thence next ensuing. And also that all such Elections as aforesaid, be not determined by the common and confused way of cry's and voices, but by putting Balls into Balloting Boxes, to be provided for that Purpose, for the Prevention of all Partiality, and whereby every Man may freely choose according to his own Judgment, and honest Intention.

Chapter XXXIV.

To appoint their own times of Meeting, and to adjourn their Sessions from Time to Time (within the said Year) to such Times and Places as they shall think fit and convenient, as also to ascertain the Number of their Quorum, provided such Numbers be not less than one half of the whole, in whom (or more) shall be the full Power of the General Assembly; and that the Votes of two thirds of the said Quorum, or more of them if assembled together as aforesaid, shall be determinative in all Cases whatsoever coming in Question before them, consonant and conformable to these Concessions and Fundamentals.

Chapter XXXV.

THAT the said Proprietors and Freeholders at their choice of Persons to serve them in the General and free Assembly of the Province, give their respective Deputies or Trustees their Instructions at large, to represent their Grievances, or for the improvement of the Province: And that the Persons chosen, do by Indenture under Hand and Seal, covenant and oblige themselves to Act nothing in that Capacity but what shall tend to the fit Service and Behoof of those that send and employ them; and that in case of failer of Trust, or breach of Covenant, that they be questioned upon complaint made, in that or the next Assembly, by any of their respective Electors.

And that each Member of the Assembly chosen as aforesaid, be allowed *one Shilling per Day*, during the Time of the sitting of the Assembly, that thereby he may be known to be the Servant of the People: Which allowance of *one Shilling per Day*, is to be paid him by the Inhabitants of the Propriety or Division that shall elect him.

Chapter XXXVI.

THAT in every General free Assembly, every respective Member hath liberty of Speech; that no Man be interrupted when speaking; that all Questions be stated with Deliberation and Liberty for amendments; that it be put by the Chairman, by them to be chosen, and determined by plurality of Votes. Also that every Member has Power of entering his Protest and reasons of Protestations. And that if any Member of such Assembly shall require to have the Persons Names Registered, according to their Yea's and No's, that it be accordingly done: And that after Debates are past, and the question agreed upon, the Doors of the House be set open, and the People have Liberty to come in to hear and be Witnesses of the Votes, and the Inclinations of the Persons voting.

Chapter XXXVII.

AND that the said Assembly do elect, constitute and appoint Ten honest and able Men, to be Commissioners of State, for managing and carrying on the Affairs of the said Province, according to the Law therein established, during the adjournments and desolutions of the said General free Assembly, for the Concervation and Tranquility of the same.

Chapter XXXVIII.

THAT it shall be lawful for any Person or Persons during the Session of any General free Assembly in that Province, to Address, Remonstrate or Declare any Suffering, Danger or Grievance, or to propose, tender or request any Privilege, Profit, or Advantage to the said Province, they not exceeding the Number of one Hundred Persons.

Chapter XXXIX.

To Enact and make all such Laws, Acts and Constitutions as shall be necessary for the well Government of the said Province, (and them to repeal) provided that the same be, as near as may be conveniently, agreeable to the primitive, antient and Fundamental Laws of the Nation of *England*. PROVIDED ALSO, that they be not against any of these our Concessions and Fundamentals before or hereafter mentioned.

Chapter XL.

By Act as aforesaid, to constitute all Courts, together with the Limits, Powers, and Jurisdictions of the same, (consonant to these Concessions) as also the several Judges, Officer and Number of Officers belonging to each Court, to continue such time as they shall see meet, not exceeding one Year or two at the most, with their respective Sallaries, Fees and Perquisites, and their appellations, with the Penalties that shall be inflicted upon them, for the Breach of their severall and respective Duties and Trusts. And that no Person or Persons whatsoever, Inhabitants of the said Province, shall sustain or bear two Offices in the said Province, at one and at the same Time.

Chapter XLI.

THAT all the Justices and Constables be chosen by the People and all Commissioners of the publick Seals, Treasuries, and Chief Justices, Embassadors, and Collectors be chosen by the General Free Assembly.

Chapter XLII.

THAT the Commissioners of the Treasury of the said Province, bring in their Account at the end of their Year, unto the General Free Assembly, there to be seen and adjusted; and that every respective Member, carry a Copy thereof, unto that Hundred or Propriety he serves, for to be Registered in the Capital publick Court of that Propriety.

Chapter XLIII.

By Act as aforesaid, to lay equal Taxes and Assessments, and equally to raise Money's or Goods, upon all Lands or Persons, within the several Proprieties, Precincts, Hundreds, Tribes, or whatsoever other Divisions shall hereafter be made and established in the said Province, as oft as necessity shall require, and in such manner as to them shall seem most equal and easy to the Inhabitants, in order to the better supporting of the publick Charge of the said Government, as also for the publick Benefit and Advantage of the said People and Province.

Chapter XLIV.

By Act as aforesaid, to subdivide the said Province into Hundreds, Proprieties, or such other Divisions, and Distinctions, as they shall think fit; and the said Divisions, to distinguish by such Names as shall be thought good; as also within the said Province, to direct and appoint Places, for such and so many Towns, Cities, Ports, Harbours, Creeks, and other Places, for the convenient loading and unladen of Goods and Merchandize, out of the Ships, Boats and other Vessels, as shall be expedient, with such Jurisdictions, Privileges and Franchises, to such Cities, Ports, Harbours, Creeks, or other Places, as they shall Judge most conducing to the general good of the said Province, and People thereof; and to erect, raise and build within the said Province, or any Part thereof, such and so many Market Towns, and Villages, and also appoint such and so many Markets, and Fairs, and in such Place and Places as they shall see meet, from Time to Time, as the Grant made and assigned unto the said Proprietors will permit and admit.

IN Testimony and Witness of our consent to and affirmation of these present Laws, Concessions and Agreements. We the Proprietors, Freeholders, and Inhabitants of the said Province of West New-Jersey, whose Names are under written, have to the same voluntarily and freely set

*our Hands, dated this third Day of the Month commonly called March, in the Year of our Lord One Thousand six Hundred and Seventy six.*¹

<i>E. Blyngge,</i>	<i>Gaven Laurie,</i>
<i>Richard Smith,</i>	<i>William Penn,</i>
<i>Edward Nethorp,</i>	<i>William Emley,</i>
<i>John Penford,</i>	<i>Joshua Wright,</i>
<i>Daniel Wills,</i>	<i>Nicholas Lucas,</i>
<i>Thomas Ollice,</i>	<i>William Haig,</i>
<i>Thomas Rudyard,</i>	<i>William Peachee,</i>
<i>William Biddle,</i>	<i>Richard Mathews,</i>
<i>Robert Stacy,</i>	<i>John Haracis,</i>
<i>John Farrington,</i>	<i>Francis Collins,</i>
<i>William Roydon,</i>	<i>William Kent,</i>
<i>Richard Mew,</i>	<i>Benjamin Scott,</i>
<i>Percivall Tople,</i>	<i>Thomas Lambert,</i>
<i>Malton Stacy,</i>	<i>Thomas Hooton,</i>
<i>Thomas Budd,</i>	<i>Henry Stacy,</i>
<i>Samuel Jeninns,</i>	<i>Aert. Jansen,</i>
<i>John Lambert,</i>	<i>John Surege,</i>
<i>William Heulings,</i>	<i>Thomas Smith,</i>
<i>George Deacon,</i>	<i>James Pearce,</i>
<i>John Thompson,</i>	<i>Edward Web,</i>
<i>Edward Bradway,</i>	<i>John Pledger,</i>
<i>Richard Guy,</i>	<i>Richard Wilkinson,</i>
<i>James Navill,</i>	<i>Christopher Sanders,</i>
<i>William Cantwell,</i>	<i>Reneare Vanhurst,</i>
<i>Fospe Ontstont,</i>	<i>William Johnson,</i>
<i>Machgyel Baron,</i>	<i>Charles Bagley,</i>
<i>Casp. Herman,</i>	<i>Sannuel Wade,</i>
<i>Turrse Plese,</i>	<i>Thomas Woodrofe,</i>
<i>Robert Kemble,</i>	<i>John Smith,</i>
<i>John Cornelise,</i>	<i>Thomas Peirce,</i>
<i>Garret Van Junne,</i>	<i>William Warner,</i>
<i>William Gill Johnson,</i>	<i>Joseph Warne,</i>

<i>Michael Lackerouse,</i>	<i>Isaac Smart,</i>
<i>Markas Algus,</i>	<i>Andrew Thompson,</i>
<i>Evert Aldricks,</i>	<i>Thomas Kent,</i>
<i>Hendrick Everson,</i>	<i>Henry Jennings,</i>
<i>Jillis Tomesen,</i>	<i>Henry Stubbens,</i>
<i>Claas Janson,</i>	<i>William Willis,</i>
<i>Richard Warsan,</i>	<i>George Haselwood,</i>
<i>Christopher White,</i>	<i>Rodger Pedrick,</i>
<i>Paul Doequet,</i>	<i>William Hughes,</i>
<i>John Maddocks,</i>	<i>Abraham Vanhighst,</i>
<i>John Forrist,</i>	<i>Hipolitas Lefever,</i>
<i>James Vicary,</i>	<i>William Wilkinson,</i>
<i>William Rumsey,</i>	<i>Andrew Shennock,</i>
<i>Richard Robison,</i>	<i>Lause Cornelious,</i>
<i>Mark Reeve,</i>	<i>Samuel Hedge,</i>
<i>Thomas Watson,</i>	<i>William Master,</i>
<i>Samuel Nicholson,</i>	<i>John Grubb,</i>
<i>Daniel Smith,</i>	<i>John Worlidge,</i>
<i>Richard Daniel,</i>	<i>E. Meyor,</i>
<i>William Penton,</i>	<i>Thomas Barton,</i>
<i>William Daniel,</i>	<i>Robert Powel,</i>
<i>Robert Zane,</i>	<i>Thomas Harding,</i>
<i>Walter Peiterson,</i>	<i>Mathew Allen,</i>
<i>Anthony Page,</i>	<i>R. Right,</i>
<i>Andrew Burtleson,</i>	<i>Godfrey Hancock,</i>
<i>Woolley Woollison,</i>	<i>John Petty,</i>
<i>Anthony Dickson,</i>	<i>Abraham Hewlings,</i>
<i>John Denna,</i>	<i>John Newbold,</i>
<i>Thomas Benson,</i>	<i>John White,</i>
<i>John Paine,</i>	<i>John Roberts,</i>
<i>Richard Buffington,</i>	<i>John Wood,</i>
<i>Samuel Lovet,</i>	<i>John Gosling,</i>
<i>Barnard Devenish,</i>	<i>Thomas Revel,</i>
<i>Thomas Stokes,</i>	<i>Eliazer Fenton,</i>
<i>Thomas French,</i>	<i>Samuel Oldale,</i>
<i>Isaac Marriot,</i>	<i>William Black,</i>
<i>John Butcher,</i>	<i>Anthony Woodhouse,</i>

*Geo. Hutchinson,
Thomds Gardner,
Thomas Eves,
John Borton,
John Paine,
Richard Fenimore,
Thomas Schooley,*

*Daniel Leeds,
John Pancoast,
Francis Beswick,
William Laswall,
John Snowden,
Gruna Jacobson,*

*Letter from Governor Andros to Captain Billop, Com-
mander at Newcastle.*

[From "New York Colonial Documents," Vol. XII., p. 584.]

A Letter to Capt. Billop Commander at Delaware

CAPT. BILLOP

[*Extract.*]

I heare of a Fly boat the Martha of Hull arrived in the River with Passengers for New Jersey (having ommitted) you are Imediately to send by expresse an acco^t of all transactions and things relateing to her since her arrivall, and of goods to Cheife Collecto^r of every Permit is or shall be given, having in regard of the time a yeare consented Passengers & their landing, so they settle under y^e Duke on the West side, or if the east side under the Commissioners upon the fformer Shipp Comeing authorized here also under his Ry^{ll} Hignesse and having heard Complaints, you are also to order M^r Herman Clarke of the Customes to draw out and send an exact acco^t of all and every permitt or other transacon fees, gifts or other moneys or effects, given demanded or received by him or yo^rselfe from Capt. Marlows ship & Passengers Examined & attested by yo^rselfe and send the same by the above expresse, without delay to Cheife Collector here, of all which I pray fayle not.

I am Yo^r^{rs}

E. ANDROS. S.

*Letter from Governor Andros to the Commissioners for
West Jersey.*

[From "New York Colonial Documents," Vol. XII. p. 585.]

A Letter to Joseph Helmsly, John Penford, Benjamin
Scott &c Commissioners for New West Jersey.

FRIENDS

I have received yours of the 18th inst in answer to which I have againe writt to the Commander & Officers at Delaware that any of yo^u have free liberty to land & settle on y^e west side as well as the east (as others) under his Ry^{al} Highnesse & shall not this yeare dispose off but be willing to accomodate you with fitt Proporecons of Land, in my power on the West side, but cannot I think so much as you mencecon, Severall having made application a great while & particularly towards the Falls & for islands, & doe daily, but delayed by reason of the Indian troubles, also haveing heard of a ffly boat the Martha of Hull arrived with Passengers, have by reason of the late season of the yeare consented and given directions to the Commander and Chiefe Customes there that they be permitted to land themselves & goods, but if on the east then under your authority And that the Commander and Custome Officers in y^e River shew them all Just ffavour & not rigorously exact ffor Entryes or permitts, but put as many & necessary as they can together in one Permitt, if not all, the Planters, but if March^{ts} to be distinct, which I doubt not will be observed or upon complaint or notice shall take further order to the just satisfaccon of any agrieved.

This is further to give you notice that I have received leave from his Roy^{all} Highnesse to goe home this Winter so as to returne in y^e Spring, & that upon advice of the quiett good state of all parts of the Govern^t I have resolved going, which I intend God willing in a ship now

here, a loading for London, And hope may bee ready this month, Leaving orders for all things in the Govern^t every where to remaine as now settled I am

Yo^r friend to serve you

E. ANDROS

New York Octo^r 17 1677

Opinion of Certain English Lawyers on the Patent of Governor Nicolls for Elizabethtown.

[From N. Y. Col. MSS., in Secretary of State's Office, Albany, Vol. XXIV., p. 1.]

Councill's Opinions concerning Coll Nicolls' Pattent and Indian Purchases.¹

The land called N York and other parts in America, now called N East Jersey was first discovered by Sebastian Cobbitt, a subject of England in King Henery the 7th's time a bout 180 years since and afterwards further by Sr. Walter Raleigh in ye reign of King James and also by the Lord Delaware & began to be planted in ye year 1614 by Dutch & English the Dutch placed a Governour there but upon complaint made by the King of England to ye States of Holand the sd States Disowned ye Bisness & Declared it was only a Private Undertaking of ye West India Company of Amsterdam so ye King of England granted a Com'son to Sr. Edward Layden [Ployden?] to plant these parts calling them new Albion & ye Dutch submitted themselves to ye English Government but in King Charels ye 1st Reign ye troubles in England breaking forth the English not minding to promote these new plantations because of ye troubles ye Dutch Pretended to Establish a Gover. there again until ye year 1660 when afterwards it was reduced under ye English Government & included & Ratified in ye peace made between England & Holland then it was Granted to ye Duke of York 1664 who ye same year Granted it to ye Ld Barcklay & Ld George Cartrett and Notice thereof in

¹ Printed in Elizabethtown Bill in Chancery, p. 40, as of date 1677. Ed.

America Sevrall Persons took grants of Lands from Coll. Nicolls ye Duke's Gover. Severall of ye Planters have purchased of ye Indians but Refuse to pay any acknowledgment to ye King's Grantees.

Q. 1st Wither ye grants made by Coll. Nicolls are good agst the assigns of ye Ld Berckly & Ld George Cartrett

Q 2nd Wither the grant from ye Indians be sufficient to any planter without a grant from ye King or his Assignes

Ans 1st To ye first Question the authority by which Coll. Nicolls acted Determined by ye Duke's Grant to ye Ld Berckley & Ld George Cartrett & all Grants made by him afterwards (though according to ye Comission) are void for ye Delegated power w^h Coll Nicolls had of making grants of ye Land could Last no Longer than his Maj^t Intrest who gave him yt Power & ye having or not having Notice of ye Duke's Grant to ye Lord Berkeley & S^r George Cartret makes no Difference in ye Law but ye want of Notice makes it great Equity yt ye Present Propriet^r should Confirm Such Grants to ye People who will submit to ye Conssions and Payments of the Present Proprietors Quitt rents otherwise they may look upon them as Des-seizors and treat them as such.

Anser to the 2^d Question by ye Law of Nations if any People make Discovery of any Contry of Barbarians the Prince of yt People who makes ye Discovery hath ye Right of ye Soyle and Government of ye Place & no people can plant there without ye consent of ye Prince or of such Persons to whom the right is Devoulved and Conveyed the practice of all Plantations has been according to this & no people has been suffered to take ye Land but by ye Consent and Lycence of ye Gov^r or Proprietors under ye Prince's tytle whose people made ye first Discovery & upon their Submission to ye Law of ye Place and Contribution to ye Publick charges of the place & ye Payment of such Rent & other value for ye soile as ye Proprietor for ye time being Require and tho' it hath been and still is ye Usual Practice

of all Propriet^{rs} to give their Indians some Recompence for their Lands & so seems to Purchase it of them it is not done for want of sufficient title from ye King or Prince who hath ye Right of Discovery but out of Prudence & Chrystian Charity least otherwise the Indians might have Destroyed ye first Planters (who are Usually too few to Defend themselves) or Refuse all Commerce and Conversation wth ye Planters & thereby all hopes of converting them to ye Christian Faith would be Lost In this ye Common Law of England and ye Civil Law doth agree & if any Planter be Refractory & will Insist on his Indian Purchase and not submit to this Law of Plantations ye Propriet^{rs} who have ye Title Under ye Prince may deny them ye Benefit of ye Law & Prohibitt Commerce with them as Opposers & Enemies to ye Publick Peace. Besides 'tis O^bservable yt no man can goe from England to plant in an English Plantation without Leave from ye Govermt & therefore in all Pattents & Grants of Plantations from ye King a Particular Lycence to carry over Planters is incerted w^{ch} Power in Prohibitting is now in ye Propriet^{rs} as ye King's Assigns and therefore tho some Planters have purchased from ye Indians yett having done soe without ye Consent of ye Propriet^r for ye time being ye title is good against ye Indians but not against the Propriet^{rs} without a Confirmation from them upon the Usual terms of other Plantations

WILLIAM LECK

JOHN HOYLE

RICH^d WALLOPW^m WILLIAMS

JO: HOLT

HEN: POLLEXSEN

JO: HOLLES

W^m THOMPSON

A true copy

Gawen Lawrie

Robt West.

Depositions Relating to the Conduct of John Fenwicke.

[From "New York Colonial Documents," Vol. XII., p. 592.]

Depositions of Edmond Cantwell, Justice Fop Out-
hout, Michael Baton and Reynier Van Th——,

in a court held at New Castle, relative to the conduct of John Fenwicke at a meeting held on the east side of the Delaware River.

Att a Court held in New Castle 9th day of May [1678]

Edmond Cantwell declared in R: Salem (alias) Swamptowne, of Aprill 1678; where Major John Fenwicke ordered a meeting of y^e east syde of This River, hee the s^d Fenwicke did then apoint suitable officers viz^t Samuell Hedge Surveyor Gener^{ll}, James Nevell to bee secretary, Samuell Winder Registe^r, and declared that hee would nominate and appoint other officers att his Leasure and caused his s^d Secretary to read severall papers, as his Mag^{ties} Pattent to his Roy^{ll} highnesse, and his Roy^{ll} highnesse to y^e Lord Berckley, and a Coppy (as he said) of y^e Lord Berckleys, to him the s^d ffenwicke wth severall other papers w^{ch} y^e attestant did not minde, and after y^e Reading of all these papers hee the s^d ffenwicke, demanded in his mag^{ties} name the Suppreority and the submission of y^e People there as his Right and propriety, after his demand he brought a Paper upon the Table in the forme of an oath or some such thing, w^{ch} severall of his People or officers siglned, after they had don, I tould him that the most parte of the People that was there, did not know what was read, hee answered mee that they could know well a noff to take away his Land, I alsoe tould him that there was a small Levy Laid by the Co^{rt} upon y^e People on that syde he said y^e Co^{rt} had no power to Lay no Levy on that syde & said whoe soever did pay any Levy should forfeit their Lands & priviledges. I asked him if hee would beare them out & hold them harmlesse hee said hee would give them his hand to answer itt before the . . . and sayed that the People should stand on their owne defence if any boddy came to demand it, and alsoe did forbid Fop Outhout not to act any thing in behalfe of y^e Co^{rt} of New Castle upon the forfeiture of his Estate. I told him y^t his hono^r y^e Governo^r had Commissionated him the s^d M^r Out-

hont, and was still pleased for to Continue him, hee said the Governo^r had nothing to doe on that Syde, and that hee meaning himselve was Subject to no man but God and the King, hee alsoe said that hee would doe nor act nothing wth out the advyse of his Counsell w^{ch} hee would nominate verry suddenly, wth severall more Speeches w^{ch} y^e attestant doth not now Remember.

Justice fop Outhout declares to have been p^rsent wth Capt. Cantwell and to have heard In Substance, the same that is hereabove declared by the s^d Cap^t Cantwell ;

Mr Machiell Baton and Reynier van the Sworne In Co^{rt} declare in Substance to have heard y^e same as hereabove by Cap^t Cantwell is declared.

Johannes Va
in Co^{rt} declares
one Gillis Gi
River, Some
of April Last past Major John Fenwicke came to the house & demanded why y^e deponant & y^e rest y^t were there did not come att New Salem as others did to acknowledge him (meaneing himselve to bee Lord & proprietor of y^e place) Upon which they answered him saying how they could owne him, so Long as they paid Levy to witt 12½ gilders p^r head att New Castle Co^{rt}—Whereupon hee the s^d fenwike Replied saying that all those whoe paid y^e same should never Injoy a foot of Land on the Eastern Shore, and further sayeth not.

These afore standing Testimonys are True. Coppies out of y^e Records Exam: p^t:
E^p H HERMAN.

Proclamation of John Fenwicke to Claimants of Land.

[From Johnson's "Historical Account of the First Settlement of Salem," p. 23.]

The Summons for persons to enter their claims within a month.

No. C.ES. 88.

By John Fenwick, Esq., Lord or chief proprietor of

the said province, and in particular of Fenwick's colony, within the same.

Whereas there are divers and sundry persons, both Dutch and French, as well as English, who have presumed upon none or very slender pretences to claim an interest unto several tracts, pieces and parcels of land, lying within my said colony, without applying themselves unto me, and producing any lawful authority to warrant their doings therein; and to secure them who have entered upon, cut down the woods, and settled themselves upon their supposed plantations, either as their tenants or purchasers, all which tends to the breach of the king's peace within the said colony, besides the obstructing of the settlement thereof, contrary to his majesty's letters patent, bearing date the twelfth day of March, in the sixteenth year of his reign. The grant from James Duke of Yorke, bearing date the four-and-twentieth day of June, in the said sixteenth year of his said majesty's reign, made unto John Lord Berkeley and Sir George Carteret, knight and baronet, jointly. And the said Lord Berkeley's deed, made unto me, of his whole moiety and half part, bearing date the eighteenth day of the First month, commonly called March, in the year one thousand six hundred seventy-and-three, and enrolled in the high court of chancery within the kingdom of England, and hath been produced to Major Edmund Andross, the Governor of New York, and his council, for their preventing of future trouble, and the furtherance of the settling of the said moiety, half part and colony, by me, and all and every the purchasers who lawfully claim under me. These are therefore to will and require all and every such person and persons above mentioned, and in his majesty's name, straightly to charge and command them, and every of them, to come and appear before me, and to bring every paper, order and warrant, which they have to show for their pretended titles, to the end they may be enrolled in a book for that purpose provided, and thereupon a day appointed for their several appearance before

me and my council, in order to a final determination of each man's particular interest, according to the law of England, and the said late lords proprietors' concessions established in order thereunto within the said province, in pursuance of the said letters pattennt and several grants aforesaid; so that I, and them the said persons with all that claim under me, may not only receive satisfaction, but also that my said colony, and all the planters within the same, may be settled in the love of God by the laws of the king of England, and in that peace which becomes all our great professions of being christians, and declarations, oaths and subscriptions of our bearing true allegiance unto the king of England, his heirs and successors; and to all and every person and persons that are concerned as aforesaid, and not to fail, upon notice hereof, forthwith to appear accordingly, so as within one month after the date hereof, the business may be settled, and they no ways to suffer through their contempt.

Given under my hand and seal, at New Salem this sixteenth day of the Third month, commonly called May, in the year, according to the English account, one thousand six hundred seventy and eight, and in the thirtieth year of the reign of King Charles the Second of England, &c.

Order of Council Against John Fenwicke.

[From "New York Colonial Documents," Vol. XII., p. 594.]

Order for the Suspension of certain "alterations" begun to be made by Major John Fenwicke on the East side of Delaware River and that he cease acting there under his pretended authority.

At a Councell May : 22^d 1678

Upon the Receipt of Lett^{rs} from y^e Magistrates of the Towne of New Castle in Delaware about the alterac'ons begun to bee made by Major John Fenwick on the East of

the River where Contrary to his Engagem^t and Parole he hath acted by assuming a pretended power to himselfe, The same being taken into Consideracon, to prevent any Mischiefe that may happen upon that Acc^t,

Its Ordered that a Messenger bee forth with sent expresse to the Commander & Justices att New Castle in Delaware who are to give notice to the s^d Majo^r Fenwyck, that according to his Parole hee forbear, the Assuming any power of Governm^t to himselfe, on the Eastside of Delaware River, or any where else in those parts, unlesse he produce more Authentick power out of Eng^{l^d} then hee hath yett done, which ought first to bee made knowne to y^e Governo^r in this place and in Case of Refusall, The said Commander & Justice are hereby required to order him to Come to New Yorke within the space of 28 days to make answer to what shall bee alleadged agst him on that behalfe and for breach of his Parole which if he deny to do that then the s^d Commander & Magistrates doe use force to Secure his person and send him hither without delay.

By order of Councill

M. N. Sec—

Letter from Secretary Nicolls to the Court at Newcastle.

[From "New York Colonial Documents," Vol. XII., p. 595.]

[*Extract.*]

GENT. Yo^rs of the 9th inst. arrived here the beginning of the weeke, which having not the hap to find the Go: returned, was communicated to the Councill:—Vpon Consideracon of the new alteracons made by Majo^r John Fenwyck on the East side of the River, & perusall of the Testimonyes & Informacons given concerning the same, They have thought good to make the inclosed order, which they desire you will doe yo^r part to see it put in execucon, if occasion, but with as little mischeife as may bee, Cap^t Billop is written to likewise concerning it

Gent. Yr Most humble Serv^t

By order of the Councill.

M. N. Sec.

May 25—1678

Minute of Council, in Relation to John Fenwicke, on the Delaware.

[From "New York Colonial Documents," Vol. XII., p. 597.]

At a Councill &c June 18: 1678

The matter of the Letters Rec^d from Delaware magistrates at New Castle and the Commander concerning Major Fenwyck &c. The former orders being taken into consideration and the positive directions sent, the which they neglected,

The Councill doth not think fitt to Alter any thing of their former orders being fitt, but leave them to answer their Neglect to the Go: who is daily expected & all the prejudice or mischief that may happen thereby, to lye at their doors.

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Letter from the Council to the Magistrates, and Proceedings of the Commander and Justices, at Newcastle, in Relation to the Matter of John Fenwicke.

[From "New York Colonial Documents," Vol. XII., p. 598-602.]

GENT.

Yo^{rs} of the 5th by the returne of the expresse & sent to you by the Councill arrived here y^e beginning of the weeke, but yo^r answer seems very little satisfactory to any particular they writte about; as to the Order sent concerning Major Fenwyck the Councill then did thinke, & upon serious perusall of the same againe doe find that it was absolute and full, It expressing That in case of his Refusall to act in assuming a power of Govern^{mt} to himselfe or deny all to come to New Yorke upon yo^r sumons according to his parole, That then the Comander & you the Magistrates were to use force to secure his person & send him hither, so you needed not any new Result to bee directed

to y^rselves alone (it being thought fitt to direct it to the Comand^r also) more absolute then the former, which the Councell thinke sufficient, so shall not alter any thing therein, but leave you to answer yo^r Neglect to the Go: who is duely expected, & all prejudice or mischief that may happen thereby, to lye at yo^r doores, they having done their duty.

Att a meeting of y^e Comand^r and Justices held in the Towne of New Castle July 17th 1678

The Letter from the Hono^{ble} Read and the businesse of Major Fenwike taken into consideracon by the Commander & Justices of this Court, and Cap^t Billop signifying that att his Laest being over att Salum the Laest weeke, that then Mayo^r fenwike was willing to answer the hono^{ble} Councils order at New Yorke, and that hee will surrender himselfe att New Yorke according to his Parole, Resolved and ordered by the Commander Joyntly wth the Court that Mayo^r fenwike in case hee will give under his hand by a Letter to y^e Counsell that hee will not act by assuming any power of Governm^t to himselfe on that syde of the River or any where Else, and y^t hee wthin the space of Twenty dayes promisses to make his p^rsonall appearance att New Yorke according to his Parole—that then hee bee Left there but in case of Refusall and that he doth not send a satisfactory answer, That then the s^d Commander together wth y^e high Sherrife Presse and take wth them so many of the Militia as they think fitt and wth them Seize the s^d fenwiks p^rson and send hime to New Yorke wthout delay according to the order of the hono^{ble} Council—

A true copy out of the Records Exam: p^r

EPH: HERMAN Cl^r

Followeth the Letter sent to May^r Fenwike

MAYO^r FENWICKE

S^r Cap^t Billop Signifying to us that you have altered yo^r former Resolucon and that now you are willing to

answer the order from the hono^{rb}le Councill of New Yorke, and that you will goe and there surrender Yo'selfe according to yo^r Parole. Now therefore if you will forbear the Assuming any power of Governm^t to yo'selfe, and wthin the space of 20 days will appeare in New Yorke and then surrender yo'selfe according to yo^r Parole then Signify soe mutch in a Letter under yo^r hand to the hono^{rb}le Councill in New Yorke, and send y^e same Letter open to us under a Couert by this bearer that soe we may bee possitive of yo^r Resolucon

Remaining S^r

Yo^r Affectionate friends

(was signed)

CHRIS. BILLOP

JOHN MOLL

PETER ALRICHS

FOP OUTHOUT

JEAN PAUL JACQUET

GERRET OTTO

N Castle
July 17th 1678

Memorandum in answer to y^e above Mago^r fenwike sent a Letter to y^e Councill, and one to y^e wryters of y^e above, which both are yett in the hands of ye Commander.

Letter from the Magistrates to Capt. Matthias Nicolls and the rest of the Council, in relation to Major Fenwick's case.—

HONO^{RBLE} S^{RS}—

Yo^r Lett^r of y^e 21st of June Laest we Received In answer to w^{ch} wee Reply, that the occasion of o^r wryting alone the 5th of the same month (in w^{ch} to o^r sorrow yo^r Hono^{rs} Reply to Receive so Little Sattisfaction) was not that wee desiered to bee only Concerned wthout the Comander, But that w^{ch} was writt then Concerning mayo^r fenwike, we had out of y^e mouth of the said Commander, (who mutch takes the part of & is a great frind to the s^d fenwike) and his not Signing of y^e s^d Let^r: was by Reason the other particulars therein menconed Conserved him nott:—By the Inclosed

Coppies yo^r Hono^r will see what Result hath ben tacken by y^e Comand^t & us since the Receipt of yo^r Hono^{rs} s^d Lett^r, and sence the Comander & high Sherrife have fetched y^e s^d fenwicke to this Towne and although itt was supposed to bee a more securer & better way to send him by waeter in this Sloope, Yett the Comand^t thinks it best to send him by Land ; w^{ch} hee Lykewyse hath obligeth to doe ;

Hono^{rb^{le}} Sr^s Yo^r Hono^{rs} most humble Subjects & Serv^{ts}
 The Co^{rt} of y^e Towne of New Castle
 New Castle By order of y^e same
 July 24th 1678 EPH: HERMAN Clr

Council Minute—Major Fenwicks case.

Att a Councell &c Aug 22—78

Pres^t M^r Delavall Mayo^r The Go: & full Councell.

Major John Fenwyck's Case about his Late disturbance, was at his Request heard this morning. Hee had Copyes before of what is layd to his charge, being the several Deposicons. Hee desires time to answer & to prepare witnesses on his part. Alleadges his Interest particular & distinct from this Govm^t so not to bee Judged or concluded by it, pretends to Appeale from the Assizes Judgm^t to y^e K: & desired leave to goe home about his witnesses, but not allowed.

Names of Persons at Salem, where Major Fenwicke Settled.

[From "New York Colonial Documents," Vol. XII., p. 608.]

Names of persons at Salem or Swampe Towne where Majo^r Fenwyck satt downe. Given in by M^r Malster
 Octb^r 25th 1678

W ^m Penn	W ^m Penton	Edw ^d Chiamnis
James Newell	quaker	Richard Guy quaker
George Deacon	quaker	W ^m Malster
Edw ^d Broadway	quaker	William Penton

Sam ^l Hedge ?	Richard Guy
John Smith quaker	Michael Baron
Edw ^d Wade quaker	Edward Broadway
Rich ^d Hancock ?	William Malster
Micheill Baron	Edward Ward

Commission for William Penton and Others to be Overseers at Salem, N. J.

[From "New York Colonial Documents," Vol. XII., p. 610.]

Commission for W^m Penton, Richard Guy James Nevell &c.

S^r Edmund Andross Kn^t &c. By Virtue of the Authority derived unto mee, I doe hereby Constitute appoint and In his Ma^{ties} name Authorize you W^m Penton, Rich^d Guy James Nevell, Edward Broadway, W^m Malster & Edw^d Ward to bee Overseers, Select men or Commissionsers, on the West side of New Jersey on Delaware River att Elenburgh In Verekens kill or hogg Creeke, commonly called Salem or Swamp Towne, & parts adjacent for One yeare or farther Order, amongst the new Comoners there and if any dispute or difference hapen to arise amongst them and Old Inhabitants of those p^{ts}, that then M^r ffop Outhout, who hath beene an antient Inhabitant there & is now one the Justices of New Castle, have Notice thereof, who is authorized upon Such Occasion to bee one of the Co^{rs} & being there is to preside & you or any four of you, to keepe a Co^{rt} as Towne or Corporacon quarterly or oftener if occasion, to appoint, or Authorize one or more Constable, and to allow or Cause to bee lay'd out fitting porcons of Land for p^{rsent} Improvement, many fitt places, not afore taken up and Improved, the same being Duely purchased & to heare and Determine, all Matt^{rs} not extending to life Limb, or Member, or Exceeding five pounds

above which to admitt an Appeale to the Co^{rt} of Justices at New Castle and accordingly to act in any Other matt^r as near as may bee but not Repugnant to the Lawes of Engl^d. Given under my hand & Seale of the Province, In New Yorke this 26 day of Octo: in the 30th yeare of his Ma^{ties} Reigne Annoque Dominic 1678

Examined by mee
JOHN JAXON
1678



Order Directing the Justices at Newcastle, Del., to Protect the Inhabitants on the East Side of the River in the Possession of their Lands.

[From "New York Colonial Documents," Vol. XII., p. 610.]

An Order for the Justices of New Castle to take Care the Inhabitants on the East side of Delaware River bee not disturbed in the possession of their land.

By THE GOVERNO^r:

Whereas I have rec'd Severall Compl^{ts} & Peticons from divers of the Inhabitants of the East side of Delaware River that they have beene Disturbed in the Lawfull possession of their Lands and Tenements by Majo^r Fenwick and others,

These are to desire and Authorize you the Justices of the Co^{rt} of New Castle to take Care that the said Inhabitants bee not Disturbed in their Possession upon any pre- tence Whatsoever, by the said Majo^r Fenwick or any others and if occasion to make mee forth wth acquainted wth the same Given under my hand in New Yorke this 28th day of Octo: 1678

E. ANDROS

To the Justice of the Co^{rt} of New Castle

Duplicate of the Lease of Matiniconck Island, in Delaware River, to Robert Stacy.

[From "New York Colonial Documents," Vol. XII., p. 614.]

This Indenture made the 14th day of November in the 30th yeare of y^e Raigne of our Sovereigne Lord Charles the Second by the grace of God, of Engl^d, Scottl^d, ffraunce, and Irel^d King, Defend^r of the ffaith &c, Annoq Domini, 1678 Betweene S^r Edmund Andross K^t, Governo^r Gen^l und^r his Royall Highnesse James Duke of Yorke & Albany &c, of all his Territories in America; for and in the Behalfe, of his said Royall Highnesse, on the one P^t, and Robert Stacy, one of the Commission^{rs} of the New plantacon, in West New Jersey in Delaware River, on the other P^t Witnesseth that the said S^r Edmund Andros, for divers good Causes, and Consideracons him thereunto Especially moving, hath Demised, granted, and to farme lett and by these p^rsents doth hereby demise grant, and to farme Lett unto the said Rob^t Stacy his Executo^{rs} Administrato^{rs} and Assignes all that Certaine Island Commonly called or knowne by the name of Matiniconk Island in delaware River, towards the ffalls; together with the Houseing, Lands, Pastures, Feedings, Meadows, and Appurtenances to the said Island belonging or in any [way] appertaining now or lately in the tenure or Occupacon of Peter Jegoe and Hendrick Jacobse in partnership *To have & to hold* the said Island as alsoe the Housing and Appurtenances unto the said Rob^t Stacy, his Executo^{rs} Administrato^{rs} and Assignes from & after the first day of January next untill the terme of seven yeares shall be fully Completed & Ended. Hee the said Robertt Stacy his Executo^{rs} Administrato^{rs} or Assignes, makeing Improvem^t on the said Island & premises, and paying or Causeing to bee paid yearely and every yeare thirty Bushells of good winter Wheate, unto the said S^r Edmund Andros his Successo^{rs} assignes or

orde^r at Upland upon the twenty fifth day of March annually, And in Default of paym^t of the said Sume, thirty Days after it shall bee due that then it Shall and may bee Lawfull to and for the said S^r Edmund Andros, his Successo^r or Assignes, into the said Island, and Demised p^rmisses wholly to re-enter and the same to have againe, Repossesst and enjoy, this Indenture or any thing Else to the Contrary, in any wise Notwithstanding; *Provided* alwayes And it is to bee understood, that at the expiracon of the s^d terme of the said Rob^t Stacy his Executo^r Administrato^r or Assignes, shall Leave and goe off the s^d Island, That Whatsoever Edifices, Buildings, or Improvem^t thereof, hee the said Rob^t Stacy his Executo^r Administrators or Assigns, have or shall cause to bee Erected, or done on the said Island for the Benefitt thereof, there shall bee Such allowance given for the same as shall be Adjudged by Indifferent persons. In testimony whereof the Parties aforementioned to these p^rsents have Interchangeably sett to their hands and seals in New Yorke the day and yeare first above written

Sealed and Delivered

in p^renc^e of

E. D. CANTWELL

ROBERT STACY

MATTHIAS NICOLLS Secr.

Petition of Thomas Olive and Other Inhabitants of Burlington, N. J., in Favor of Henry Jacobs, Tenant, in Possession of Matiniconck Island.

[From "New York Colonial Documents," Vol. XII., p. 615.]

Burlington the 5th of ye 10th mo: 1678.

At the request of Henry Jacobs we whose names are under written doe give this our testimony in his behalfe To the Gouvernor of Yorke. The said Henry beeing tenant and in possession of the Island called Matinnaconck, when wee first came into this Country and behaved himselve scivilly and fairly to us in our alsoe was

serviceable & helpful to us at the purchase of the land of the Indians, where many of us are now settled, being neare to the saide Iland of Mattinnaconcke and since the time of our settling being a neare neighbour to us hath beene redy to assist us at any time one the account of the Indians, And we beeing strangers to the Country and unacquainted with the Indian language have often had occasion to make use of the aforesaide Henry amongst the Indians, whoe hath redily come to us from time to time to serue us and answeere our request, as occasion has required and is equally concerned with Peeter Jegoe and both tennants to the Governor for the Iland as afforesaide. And itt haveing soe fallen ouet of late that another hath gott a graunt of the afforesaide Iland, which Henry Jacobs and Peeter Jegoe are now in possession of, And are very unwilling to forgoe it beeing now in a way to Improve the land and to raise some corne upon it they paying there yearly rent according to agreement and that another should so come to suseed that hath been receiued and Entertained as a stranger in time of necessity and by reson the men are soe deserted and discouraged in that they are like to bee put out of there place wee can doe noe lesse than giue our testimony as aboue written, And doe not question that if the Governorr comes to understand things thrughly butt that hee will sett all to writes.

Tho: Eues	Tho: Olive	William Woodhous
Anthony Allen	Daniel Wills	Joshua Bore
Robert Powell	John Wolston	Andrew Smith
Sam ^l Louett	William Clayton the older	John Champion
William Brightwen	William Peachell	Thomas Kendall
Daniel Wills	John Cripps	Thomas Palmer
William Clayton ye younger	Tho: Harding	Luke Brindly
Robert Dunham	Peter Herrisons	John Rogers
William Black	William Matlock	Peter [P] Stringham
George Elkinton (?)	T. Wright	his marke

Petition to the Governor in behalfe of Henry Jacobs of Mattinnicum Island

Dec. 5th 1678

Petition from Persons from England for Grants of Land.

[From "New York Colonial Documents," Vol. XII., p. 623.]

Petition, signed by John Budd and others for grants
of LandHON^{OR}BLE SIR

Wee whose names ar here vnder subscribed lately come
ffrom old England with Intent to inhabitt in this contry
And if yo^r Hono^r please to Grant vs an order vnder yo^r
hand too setle between Mr. Pitter Alderridges Plantation
& the falls of Dellowar River wee shall bee willing to
Imbrace it & to hold it according to the custom of the
contry being a fitt Place for Husbandmen ; wee may haue
land in Jersie side but we ar willing to become Tennants
to his Highness the Duke of yourke, if yo^r Hono^r please
to giue vs the grant and to cleer the Indians that now
. to send for the Rest of o^r ffamilys use
thereof or o^r relations which Looke for a Returne from vs
soe desiring yo^r answeere by this barrer we shall waite for
it before we settle & shall Rest

Your Humble Servants although vnknoun

Robert Lucas

Daniel Brinson

John Lucas

Thomas Sibly

Samuel Cleft

Robert Sibly

Thomas Revell

W^m Clark

John Akarman Sen.

John Budd

John Akarman Jun.

John Mifflin Sen.

Robert Hoskins

John Mifflin Jun.

Burlington June ye 23rd 1679

*Sir John Werden to the Secretary of State, on the Extent of
the Authority Granted to the Proprietors of New Jersey.*

[From London Public Record Office, "America and West Indies," Vol. 385.]

The Pretension of the Proprietour's of New Jersey
to Pay Noe Customes, at New Yorke

Stated 19th Sept: (79) This Is rec^d from S^r John Werdon.

The Dutch West India Company were possessed of a Lardge Tract of Land in America (called new Netherlands, for the Governement whereof, among other things, they Imposed a Custome of $\frac{10}{100}$. upon Merchandises of Straingers or Inhabitants there, & collected y^e Same many Yeares.

In. 1664. His Maj^{ty's} Forces under Coll. Nicholls invaded those Territoryes & conquered y^m yet admitting Articles of Surrender (on delivery up of the ffort at New-Amsterdam, now called New-Yorke) wherein the same Payments were consented to, & generally the Priviledges of the Inhabitants (then most Dutch) reserved to y^m

Coll. Nicholls continued in Possession many Yeares as Governour under His R^{ty} High^{nesse} (to whom the K^{ty} by Patent had graunted the whole Tract, with Power to make Laws &c. for y^e Good Governem^t thereof, soe as they were not repugnant to the Lawes of England) And after him Coll. Lovelace succeeded in the Governement till (1672) dureing all which tyme y^e s^d $\frac{10}{100}$ Customs were duly collected without Interruption.

Soone after y^t y^e Duke had Passed his Pattent, He graunted to S^r George Carteret & L^d John Berkelay, A Parcell of the Premisses, which is since called New Jersey, which they enjoyed Jointly as Proprietors of the Soyle; untill. (72) when by the Chance of warre, The whole Territory fell againe into y^e hands of the Dutch.

Whilest y^e Dutch were in Possession of it (& in warre wth England) M^r Fenwicke, M^r Billing &c (most of y^m Quakers) agree with L^d John Berkelay for his Right to One Moity of New Jersey.

Afterwards in (1673) the Peace being made 'twixt England & Holland; the whole Territory was restored to vs by virtue of y^t Treaty, & all men presumed to be in Possession againe; in Statu quo.

The Duke being affresh entitled from the Kings New Graunt to him; in. (73) or. (74) sends over a New Governour (S^r Ed^d Andros., who is now there) & a Company of

Souldiers to repossesse the Forts & resettle the Country ; but in kindnesse to y^m & encouragem^t to English Traders, Lowers (or abates) the $\frac{10}{100}$ to $\frac{5}{100}$ Customes.

About y^e same tyme S^r G. Carteret & y^e Quakers obtaine New graunts from the Duke of New Jersey, in the same manner, as it was formerly granted to S^r G. Carteret & L^d Berkeley.

And afterwards the Quakers agree with S^r G. Carteret to divide New-Jersey betwixt y^m by certaine Metes & bounds soe as each might know their owne Share ; & this is done by drawing an Imaginary Line crosse the Country (but Visible in their Map) to which all partyes being agreed ; the Duke upon their desire adds his Confirmation of this their Partition.

S^r Edm^d Andros y^e present Governour continues to demand & Collect y^e $\frac{5}{100}$ Customes (as his Predecessours did y^e $\frac{10}{100}$) & y^e Quakers exclaime agst it, pretending y^t they ought not to pay Any.

Quære? whether by the Graunt to the Quakers (& to S^r G. Carterett) of the Soyle, &c. They be empowred to set up distinct Governements, Principallities, or Commonwealths, within their Respective Lands? or whether they are not still lyable, as all other Inhabitants in these Territories are, to the Lawes established in New Yorke, for y^e whole Territory depending on it?

Names of the Magistrates of West New Jersey.

[From "New York Colonial Documents," Vol. XII., p. 635.]

At the upper plantations on the west side of New Jersey

Commission being the first dated August 1677	{	Mr Thomas Olave
		Mr Daniel Willes
		Mr John Kensey
		Mr John Pinford
		Mr Joseph Helmsley
		Mr Robe ^t Stacy
		Mr Ben. Scott
	}	Mr Richard Guy

At the lower plantations on the west side of New Jersey
Salem.

Commission being the second dated Oct. 26. 1679	}	Mr James Nevill Mr William Penton Mr Richard Guy Mr Edward Broadway Mr Edward Ward Mr Richard Hancock
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From Governor Andros to Governor Carteret.

SIR

[From "Grants and Concessions," p. 678.]

BEING advised of your actings without any legal Authority to the great Disturbance, &c of his Majesty's Subjects, I do herewith send you attested Copies of the King's Letters Patents, and his Royal Highness Commission, for Lands and Territories, as also further for Authority and Jurisdiction over all Persons within those Bounds, &c, as by his Majesty's said Patent to his Royal Highness, in which being comprised, therefore in Obedience to his Majesty's said Authority, you are to forbear and not presume further to assume or exercise Distinct or any Jurisdiction over his Majesty's Subjects, or any Person within any of the Bounds of that his Majesty's Patent to his said Royal Highness without lawful Power Recorded (as it ought to be) in this Place—I do acquaint you that it being necessary for the King's Service, and Welfare of his Majesty's Subjects living or trading in these Parts, that Beacons for Land, or Sea-marks for Shipping Sailing in and out, and a Fortification be erected at *Sandy-Point*, I have resolved it accordingly, but having due regard to all Rights or Properties of Land or Soil, shall be ready to pay or give Just Satisfaction to M^r Richard Hartshorn, or any assigned to, or interested in said *Sandy-Point*, or Place, and not doubting your observance of the above remain,

Your affectionate Friend and Servant

New York, March the 8th 1679-80 E. ANDROS
To Governor *Phillip Carteret*, at his House in Elizabeth-
Town

Proclamation of Governor Andross.

[From "Grants and Concessions," p. 675.]

SIR EDMUND ANDROSS, Knight, Lieutenant and Governor, General and Vice Admiral under his Royal Highness *James Duke of York, and Albany, &c* and of *New York, and dependences, &c* in *America*. Whereas upon Information of the Actings of Capt. *Philip Carteret*, assuming and authorizing others to exercise Jurisdiction without any legal Authority, to the great Disturbance, &c of his Majesty's Subjects, within the Bounds of his Majesty's Letters Patents, to his Royal Highness, I have sent to forwarn said Capt. *Carteret*, from such his illegal Actings &c. I do hereby by advice of my Council, by Virtue of his Majesty's Letters Patents and Authority derived unto me under his Royal Highness, in his Majesty's Name, further require and Command the said Capt. *Phillip Carteret*, and all other pretended Magistrates and Officers, Civil or Military, authorized by him, to forbear, and not presume further to assume or exercise distinct or any Jurisdiction over his Majesty's Subjects, or any Person within any the Bounds of that his Majesty's Patent to his said Royal Highness; and also that no Person or Persons do any ways abet, assist or observe the same or any such illegal Authorities—But they and all Persons forthwith to submit as they ought to the Kings lawful Authority, signified by his Majesty's Letters Patents to his Royal Highness here established, as they and every of them, will answer the contrary at their utmost Perrils; upon which I do remit all past acting on said Account, and for the Preservation of the Peace and Quiet of his Majesty's Subjects in these Parts, I do confirm all the present Constables in their several and respective Towns and Precincts, and shall be ready to take further Order for the good and welfare of his Majesty's Subjects, pursuant to his Majesty's said Letters Patents and

his Royal Highness Commission and Authority to me, respecting the Jurisdiction, &c. without intrenching upon any Man's just Right, Property, Freehold or Possession. Given under my Hand and the Seal of the Province in *New-York*, the 13th Day of March in the Thirty-Second Year of his Majesty's Reign, *Anno Domini*, 1679 ¹

ANDROS

To Capt. *Phillip Carteret*.

Examined by me Mathias Nicholls, Secretary

From Governor Carteret to Governor Andros.

[From "Grants and Concessions," p. 674.]

From Governor Philip Carteret to Governor Edmund Andros in answer to his letter of the 8th March.

SIR

HAVING seriously considered your Letter of the 8th Instant, and advised upon the Contents thereof, not only with the Council, but also with the most eminent, though not numerous, Part of the Country who have largely weighed the Force of his Royal Highness Grant, the Commands of his Majesty to confirm to the Lords Proprietors Government, the long and peaceable Possession of this Government during the Time of all your *English Predecessors*, and yourselves, return this Answer, that as I have not plunged his Majesty's Subjects into any Disturbances, so I intreat you not to molest me, as his Governor, nor the People under my Charge; I not making any presumptive pretence beyond the Bounds of my Commission, nor the People Yielding Obedience but by their Sovereigns positive Orders. As to what may be requisite to Land, or Sea Marks, as they are considerable so they shall be considered of, without any other compulsion than the necessity of his Majesty's Affairs requires, if you intend to set a Fort at Sandy-Hook, I shall be constrained to endeavour to prevent the same, until I shall know the Proprietors Pleasure, he

having reserved that for a Fortification when the King shall command it. The People as well as myself and Council, hold ourselves obliged by his Majesty's express Commands to yield Obedience to the Government, established by Sir *George Carteret*, and are under Oath so to do,—and are resolved not to vary therefrom until the same be remanded by the King, who only can determine this Matter; and shall be necessitated, if any Force be used, to defend ourselves and Families the best we can, which if any Blood be shed it will be contrary to our desires, and the just and righteous God require it at your Hands, who are the Causes thereof—And therefore we intreat you to forbear your threats or any other Acts of Hostility towards us, until his Majesty decides this Controversy, which we shall endeavour to have effected as soon as possible may be: The occasion that hinders this from being sent you sooner, is the foulness of the weather hindering the Councils meeting, as also an alarm we had Yesterday of your being come with your Sloops and a considerable Number of Soldiers which constrained us to put ourselves in a Posture of Defence

I am your Humble Servant,

Elizabeth-Town

PH. CARTERET

20th March 1679¹

Commission from Governor Carteret to John Berry, to be his Successor.

[From "East Jersey Records," Liber 3 of Deeds, p. 366.]

By the hono^{ble} PHILLIP CARTERET Esq^r Governo^r Und^r the Right hono^{ble} S^t George Carteret Knt. & Baronet Lord Proprietor of the Province of New Cesarea or New Jersey.

WHEREAS I am constrayned to put my selfe and Country in a posture of Defence for the maintenance of o^r Just Rights Granted by his Majties unto y^r said S^t George

Carteret Lord proprietoe^r of the said Province and his Intrest therein, and not Knowing how it may please God to Dispose of me Eyther by Life or death or absence I have thought fitt and doe by these p^rsents *nominate Constitute* and *appoint* CAPTⁿ JOHN BERRY to succeed me in the Government, and in case he should by accident be Cutt of or Disabled to take the charge uppon him, then I doe hereby *Constitute* and *appoint* CAPTⁿ WILLIAM SANDFORD to succeed him the said Berry In the Govern^t as aforesaid hereby requireing them or any of them in his Majties name to defend to defend the said Contry or Province, the Intrest of the Lord proprietoe^m and the peoples Right and priveledges to the utmost of your powers, hereby Requireing all p^rsons In Generall as well freeholders as other the Inhabitants to yield obedience to your Conduct and Commands Untill such time as his Majties pleasure shall be further knowne therein, Given under my hand and seale of the Province at Elizabeth towne the 22th of March An^o Dom 1679¹ and in the two and thirtieth yeare of his Majties Raigne of Charles the Second &^c

By order of the Governo^r

PHILIP CARTERET



James Bollen
Secret^y

*Proceedings of Council in Relation to Representation
from the Towns in New Jersey.*

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., p. 68.]

New Yorke At a Council March 23 16³⁰

A Letter from C.² Ph. Carteret dated ye 20th March in

¹ 1679-80.

² The initial "C" before the names of Carteret, Baker and others usually stands for Captain. ED.

answer to the Gov of the 8th brought by C W^m Sandford & Mr Johnson with other papers vizt A letter to Gov Nicolls from the Duke No 18 1664 relating to his R H^s Grant to ye Ld Berkeley & Sr George Carteret

Another to Go. Lovelace from the Duke also dated No 25 1672 to assist &c & declaring Go. Nicolls Grant to C Baker &c to be null, bearing date after the deed granted to ye Ld B & Sir G. C.

The K^s Letter to C. Berry Dep. Go. dated Dec 9th 1672

Another to C Ph Carteret June 13 1674. The K^s Grant to the Duke dated June 29th. Nothing material in either

C Sandford & M^r Johnson appearing being sent for declare not to know the contents of ye letter brought by them nor to have authority to speake any thing concerning it but are as private p[']sons.

Resolved An answer to Carteretts Lre & being informed the K^s L[']re patents have not been made publick or made known among them That each Towne bee sent to who are to have Representatives, to meete upon the 7th day of April next att Woodbridge in order to y^e Kings service and the quiet of all his Maj^{ties} subjects in those pts.

At a Councill New Yorke March 25th 16⁷⁹₈₀

Upon Consideration whether it will be for his Maj^{ties} service to admitt of Deputyes from the Townes in New Jersey as others o^r neighbo^{rs} have.

Resolved That it will bee necessary & convenient for his Maj^{ties} service that they have deputyes etc:

Governor Philip Carteret to Governor Andros, Countermanding Orders for a General Assembly and Condemning Governor Andros' Proceedings.

[From "Grants and Concessions," p. 676.]

From Governor Carteret to Governor Andros

SIR UPON consideration of his Majesty's Commands

which is only directed to his Governor and Council in this Province, I have thought fit to countermand any former Orders of convening the General Assembly, which will be but a charge and trouble to the Country, and in Friendship think fit to let you know it, that you may not come or send in Expectation to it; and finding the Insinuations and indirect Means you use for obtaining the Government, and in a sinister way to subvert the Minds of his Majesty's Subjects here, therefore do hereby Command that no more of your Emissaries may be sent or appear here, under Penalty of being proceeded against by Imprisonment, Tryal, Condemnation and Penalty, as his Majesty's Laws direct to Spies or Disturbers of the Publick Peace, unless with particular Message to me and so to return. It was by his Majesty's Command that this Government was established, and without the same Command shall never be resigned but with our Lives and Fortunes, the People resolving to live and dye with the Name of true Subjects and not Traytors.

SIR

SINCE the Writing above yours arrived by Mr. *West*, for which please to take for Answer, that whereas we are sufficiently satisfied of your unjust Actings, endeavouring to subvert the Minds of his Majesty's Subjects here, from their Obedience to his Commands and Fidelity to their Proprietor and Government by him here established; we have thought fit and do hereby not only protest against your unlawful Proceedings, but do make our appeal to our Sovereign Lord the King, which we shall forthwith send to be presented to his Majesty, who only can determine this Matter, and that you may not plead ignorance in not knowing of it, or of our Intentions to prosecute the same, we do give you this Notice thereof that you may if you please take order to Answer our Complaints; and in the mean Time we require you, in his Majesty's Name, to forbear to molest or disquiet us in our peaceable Possession,

or in the Government here established by his Majesty's
Commands, or in any other way whatsoever at your Peril

Sir your Friend and Servant

Elizabeth-Town, the PHILIP CARTERET
29th March 1680

*Visit of Sir Edmund Andros to New Jersey.*¹

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., p. 73.]

Monday April 5th 1680

It was resolved in Councill, That the Go: goe in person tomorrow in his Sloop towards New Jersey to be there the next day being the 7th, the time appointed for the Dep: to meete, & that he goe in a friendly way with his owne Retinue & some Volunteers to attend him, without other armes than their swords.

Tuesday the 5th

The Go: & his attendants went on board about two o'clock afternoone towards N. Jersey having a briske gale of wind at w. s. w or thereabout. Volunteers that attended the Go: Morriss, Nicolls, Eger . . . etts Willett, Collyer James Graham Hon^{ble} J. White. J. Wandall, J West. In the Evening wee came up to Shooters Isl where wee ran a ground and afterwards came to an anchor on Staten Island side not far from C Youngs.. It was there proposed if not convenient to send some one to C. Carteret that very Evening to acquaint him of o^r Coming in peace, which was resolved on: C Collyer was pitcht upon & (by his owne request) M^r Jane Wilson to accompany him, who went away to a point where they were challenged but declaring to be friends went up the Crecke in Coll. Morriss' boate. They found pt of a comp^y with C. Greenland at the point & heard of another comp^y by the way when they arrived at C Carteretts there were others in armes who challenged

¹ See Governor Carteret's account of the same visit on a subsequent page, from "Grants and Concessions," p. 677, and "East Jersey Under the Proprietary Governments," 2d Edit., p. 92. ED.

them why & from whence they came, and C. Sandford with his sword drawne came to the landing place and demanded if they were friends, to the w^{ch} C Collyer replying "yes" hee did have them to leave that but let them come ashore. The boate came back but they stay'd all night.

Wednesday the 7th

The same boate was sent over to the pointe about six of the Clock in the morning to bring the messengers aboard who were come downe.

Att their arrival, they gave acct of their recep & of C. Carteretts answer That if the Go: and his Retinue should come to him as friends hee should be welcome.

About an hour after the Go: & Comp^y went in his pinnace & Coll Morriss boate up the Creeke There was at the pointe Capt Greenland with part of a Company without Colours, saluted the Go: who were relieved by another party from the town just as we went up the creeke.

The Go: &c went ashore a little below Mr. Hopkins' house & walkt to C Carteretts on the hill. As all crost the hollow just by the house there was part of a Company with C. Whitehead at their head, who making a passage for us wee walked through to where wee mett C Carterett Capt C Sandford, C Pike & Capt Bowers. C Carterett inviting the Go: in the stockades, another party opened for to receive the Go: which was commanded by C Sandford who gave a volley just as wee passed through them.

A while afterward being gone in S^r Edmund Andros acquainted C Carterett & the rest with the occasion of his coming to undeceive the people and to shew his pretensions on his Royal Highnesse behalfe to the Govern^t Thereupon comanded mee to read the K^{ns} patent to himselfe &c to receive the place & country from the Dutch, which was done. Together with Go: Colves orders under his hand & seale to all offic^{rs} to surrender unto the Go: & one particularly to M^r Ogden then scherif for the surrender of N. Jersey.

The K's patent to his R H^s was likewise began to be read, but the people crowded in to heare it being debarred by C Sandford's Comand to the Marshall to keepe them out which he did somewhat churlishly, S^r Edmund being unsatisfied therewith & not willing to trouble C Carteretts house, hee ordred mee to follow him out of doores, there to read it in the open field without the stockades that all his Maj^{ties} subjects there present might heare the same, which was done accordingly, as also the Dukes' Commission to the Go: & the King's order and under the signet, to resurrender all back to his R H^s order &

Whereupon C Carterett desiring S^r Edm. to goe into the house againe where he would produce all his rights to the Governm^t. He shewed the lease & release from his R H^s to S^r George Carterett w^{ch} was read by C Berry & pleaded to by him & Capt Sandford C Carterett in the middle betweene them & C Bowers thereby who read one of the letters with the signet from his Ma^{ties} to C Carterett, there being also another to C Berry as dep: Go: & 2 others the one from his R H^s to Coll. Nicolls, another to Coll Lovelace relating his conveyance to S^r Geo: & order of assistance to his Go: or Dep: There was also a copie of another Letter part from the proprie^{ties} to Capt Nicolls promising to confirme his grants.

S^r Edm Andros insisted upon his Maj^{ties} L^res Patents being of greater force than the K^s private L^res & the Conveyance by lease & release to vary Comand with other material arguments. That which they at last centred upon was that S^r Geo was the D's assignee & by vertue thereof had as ample p[ower] of Governm^t as the D. himselfe, & both C Carterett, Berry, Sandford & Bowers declared they would to their uttermost hold & defend their Go: m^t until the K^s pleasure were known thereby who could only be judge in the case with his Councill betweene his R H & Sir Geo Carterett.

C Berry talked of Appealeing unto Engl w^h hee said they had sett about already but being minded by S^r Edm

that it was Impropr thing to appeal before a judgment, however they presisted in it.

Sometimes they insisted upon the being in possession unmolested but a while after the discourse was broken off.

After dinner S^r Edm. walkt down to the pier, accompanied by C Carterett & Capt Berry with a party of men in armes, a Guard being made for him from the doors to the stockades & over to the brow of the hill each of the ptys giving a volley. There was onely one Colours among them. The sailors gave a volley or two as I goe aboard, so haung a good wind we reach home before night.

Warrant from Governor Andros to Arrest Governor Carteret.

[From "New York Colonial Documents," Vol. XII., p. 649.]

Warrant to Arrest Captain Philipp Carterett.

S^r Edmund Andros Kn^t &c. Whereas Cap^t Philipp Carterett of New Jersey having presumed to assume and Exercise Authority and Jurisdiction over the Kings Subjects to their great disturbance &c in those parts within the bounds of his Ma^{ties} Letters Pattents to his Royall Highnesse and presisted therein without any Legal Authority not withstanding his being duely forwarned and comanded to the contrary where upon by advice of my councill I have caused the person of the s^d Cap^t Philip Carteret to be apprehended and brought to this place in order to further proceedings according to Law: These are in his Ma^{ties} name to Require you to take into your charge and custody the s^d Cap^t Philip Carterett and him safely to keepe untill further order or his being discharged according to due course of Law; and for soe doing this shall be your Sufficient Warrant. Given under my hand and Seale in New Yorke this 1st day of May 1680

E. ANDROS

To Cap^t John Collyer

*Extracts from the Minutes of a Special Court of Assizes,
Held in New York, for the Trial of Philip Carteret.*

[From "Grants and Concessions," pp. 678, 679, 680.]

At a special Court of Assizes held in *New-York* the 27th and 28th of May, 1680

A. B. who as well as &c. presenteth Capt. *Philip Carteret* of *Elizabeth-Town* in *New-Jersey*, for that he the said Capt. *Philip Carteret*, the 7th Day of *April*, last past, and divers Times before and since, without any lawful Right, Power or Authority with Force and Arms, riotously and routously with Capt. *John Berry*, Capt. *William Sandford*, and several other Persons, hath presumed to exercise Jurisdiction and Government over his Majesty's Subjects, within the Bounds of his Majesty's Letters Patents granted to his Royal Highness; and although by Publick Acts and Declarations hath been forwarned [not] so to do, he the said Capt. *Philip Carteret*, hath persisted therein, and riotously and routously with Force and Arms hath endeavoured to assert and maintain the same, all which Actings of the said Capt. *Philip Carteret*, have tended to the hinderance of the publick Peace of the Government, and in contempt of and contrary to the Laws and Liberty of the Subject, and against the Peace of our Sovereign Lord the King, therefore prays that this Court will proceed against him the said Capt. *Philip Carteret*, as the Law in such Cases directs.

Philip Carteret, Esq; saith, that he did refuse the Delivery of the Government of *New-Jersey*, for that he being Commissionated Governor thereof, by Power derived from his Majesty, and his command to the People, to be obedient to the Government established by Sir *George Carteret*, dares not deliver the same without an especial

Command from the King, unto whom he hath addressed himself for Determination; and whereas he the said *Philip Carteret*, Esq; hath been violently and riotously halled out of his House by Night on the 30th Day of *April*, 1680, by Sir *Edmund Andross*, his Officers, and kept a Prisoner ever since, doth demand his Liberty upon his Parole to appear when the King shall Command it, and doth protest against the Jurisdiction of this Court, where his imprisoner and accuser is to be Judge, and doth Appeal to the Determination of his Majesty who only is the proper decider of this Matter.

CAPT. *Phillip Carteret*, of *Elizabeth-Town*, in *New-Jersey*, being presented for that he the 7th Day of *April* last past, and divers Times before and since, without any lawful Right, Power or Authority, hath presumed to exercise Jurisdiction and Government over his Majesty's Subjects within the Bounds of his Majesty's Letters Patents to his Royal Highness, and though forwarned hath persisted and riotously and routously with Force and Arms, endeavoured to assert and maintain the same; &c. upon Tryal being by the Jury brought in not Guilty, is acquitted accordingly.

But the Court declare their Opinion and give Judgment, that if he the said Capt. *Carteret* shall go to *New-Jersey*, he should give Security or Engagement not to assume any Authority or Jurisdiction there, Civil or Military.

By order of the special Court of Assizes,

MATHIAS NICOLLS, Secretary.

Account of Governor Andros' Visit to New Jersey to Meet the Assembly.

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol XXIX., p. 122.]

June 1st 1680 The Go: with the Councill & sevrall of the gents of the Towne to attend hime came from New York about noone in his sloop to come to N. Jersey to

the Assembly of Deputyes to be held the next day at Eliz. Towne.

My Lady Andros came in company attend^d with 9 or 10 gentlewomen, my wife for one. Coming by C Palmers my lady & Comp^r landed at C Palmers & stay'd all night. My Lady &c came in the morning to Eliz. Towne.

All the Dep came to towne Berghen excepted. In the afternoone they were sworne that were present being 12 for 6 townes. The K^s letters patents read & Go: Comission. The Go: spaked to them upon sevrall heads, bad them to choose a Speaker & recommended them as the Clarke (Isaac N Whitehead) which they seemed to oppose it being their pretended privilege to chuse one themselves but the Go: insisted upon his capacity & employm^t as their Clarke.

The other two being come were sworne of which one of them refused to take the oath of allegiance at first (his name was Douglas) professing himselfe a Roman Catholick, but being informed it was not the oath of Supremacy he offered to take it & was admitted. In the forenoone they returned C Boune Speaker and Isaac N Whitehead Clarke. In the fore noone they mett, and the Go: expected a Returne upon the severall heads he had first spoken to, which were sent them upon their desire, but in lieu thereof they sent a paper wherein they expected as they said an act in Confirmation of their Comissions &c to convene an assembly every 2nd Day of Oct. in the year; concerning which the Go: said hee would speake to them in the Evening.

Between 7 and 8 in the evening afterwards they came to the Go: at M^r Whiteheads where the Go: spoke to them at large and was answered by their Speaker, as in . . .

This morning the Clarke brought (5 Saturday) mee the Records of the Assembly, being Acts then passed set forth. As they desired, I was sent to them to know if they had any thing further to propose & to know how long they thought to sitt. To the first, they s^d it would be Tuesday

next ere they would end all, when they should have all ready for y^e Gov: whereupon I told them for ye Gov: that he had businesse in N. Y. & would returne by the time they mencioned for finishing their buisnesse when he would give them an earing to all their proposalls & that the Go: had adjourned his Councell till Tuesday when they would be at Eliz: Toune likewise.

The Go. came away just after noone. Wee came to C Palmers where fn^d my lady & gentlewomen. T^was after dinner ere wee came away. I gave a p^o of 8 to my wife who came away and at C. Palmers § of another piece of 8 change.

Wee lay on board all night, came in the Morning Betimes. I went this Sunday and the last goeing to y^e Sacrament being so hurried with Buisness up and down.

I am goeing to Lng Isl.

*Return of Deputies for New Jersey Assembly, to Meet
June 2^d, 1680.*

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., p. 105.]

Returne upon the Sumons to the Const: of the
severall Tounes of New Jersey for Election of
Deputyes for the Assembly.

John Ward Const of Newarke makes		
returne for their Toune of—	}	Returned
M ^r Thomas Johnson		May 24
M ^r John Ward		1680
John Little, Const of Elizabeth Toune		
makes returne for their toune of	}	May 26
M ^r Henry Lyen		
M ^r Benjamin Price		
The Const of Bergen makes returne for		
their Toune of	}	May 22
M ^r William Douglas		
M ^r Hans Diedewicker		

Richard Hartshorne, Const of Middleton makes Returne for their toune of Mr John Boune and Jonathan Holmes	} May 27
Returne for Shrewsbury M ^r Judeth Allyn M ^r John Hanse	} June 2 nd at Eliz.-Toune
Returne for Piscattaway M ^r John Gillman, M ^r Edward Slaughter	} D ^o June 2
Returne for Woodbridge M ^r Lewis Baker M ^r John Bishop J ^r	} D ^o

Proceedings of the New Jersey Assembly and Council.

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., p. 120.]

New Jersey June 2nd 1680

This being the day appointed for the meeting of the Assembly, all the Deputyes appeared for the severall Tounes unlesse for Berghen.

In the afternoone they tooke the Oath of Allegiance. The King's Letters Patent & the Govern^{ers} Comission from his R H^e read & the Election of a Speaker & Clark recommended to them after the Governor had spoken to them upon severall heads tending to their Generall good and welfare. [To the following effect, as given in "Grants and Concessions," p. 680, as certified to by Mathias Nicolls, Secretary:]

—[He] acquainted them, that they are met for the King and Country Service, and in order to it he hath brought the Kings Letters Patents, under the Great Seal of *England*, to his Royal Highness and his Commission, that this Part of the Country, may by them their Representatives see the Authority, and his Majesty's and his Royal Highness care of them in every respect, as of the other Parts of the Colony; pursuant to which and Law he hath endeavoured not to be wanting in his Duty for the wellfare

of all, though by some mistakes and neglects, they have not been so unanimous and united as they ought and now are by the said Great Seal, which is their grand Charter Rule and Joint Safety; and Things being now come so well to their right Channel, he doth again by virtue of the above Authority confirm the remitting all past Actours assuming Authority, and offer to their Consideration how necessary it is an Act be made to confirm all past Judicial Proceedings, and for the Times and Places of keeping their future Courts and Sessions

And it being of general Import, as by Patent, to have peculiar known Laws and Method of Proceedings, he hath also brought for their perusal, and offered them the Law Books composed and past into a Law by the Assembly at *Hamstead*, and since confirmed and in force in all other Parts of the Government, in which if any small matter be wanting, Liberty to make local prudential Laws, and for greater Matters, not expressed, the General Court of Assize to judge, not repugnant to the Laws of *England*: And he is ready to hear them and to do his Part further for the good and Welfare of all his Majesty's Subjects, pursnant to his Majesty's said Letters Patents and Authority under his Royal Highness, respecting the Jurisdiction, without trenching upon any Mans Just Rights, Properties, Freeholds, Possession or Liberty of Conscience, or Distinction of any Place or Person comporting themselves as they ought.— . . .

In the Evening a paper was brought from the Assembly¹ setting forth their expectacons as in the s^d papers. N^o 1 is sett forth.

June 3rd The two Deputyes from Berghen coming in

¹ It is evident, from the confused manner in which the minutes were kept, that the same individual acted for both bodies, and intermingled their proceedings very singularly. In another place the paper referred to in the text is mentioned as having been presented on the 3d. From the phraseology used in some of the papers, it is supposed that they were written by the Governor's Secretary, and are to be considered more as a journal of events, compiled for his information, than the official minutes of either the Council or Assembly. ED.

ye morning and making excuse for not appearing yesterday were sworne.

In the morning they returned Mr. John Boune for their speaker & M^r Isaac Whitehead to be Clarke. . . .

At a Councell in Eliz: Toune June 4th 1680 [met at M^r Whitehead's] ¹

The pap. given in yesterday in the Evening to the Gov: from the Deps: taken into Consideracion Resolved: That what is insisted upon by them, not thought proper for the Go: to take notice of, at this time, the Jurisdiction being onely asserted without intrenching on any man's just rights & property &c.

That there is sufficient Care taken in the King's L^res Patents for the security and the well government of his subjects, And that an Assembly or Assemblies bee called as shall bee necessary

That as all acts made on the K^{'s} plantacions are temporary so not thought proper or in the Go:'s power to reenact here the K's L^res patent being [our] onely grand charter & best security.

Upon the receipt of a pap last night

[Resolved That the paper is thought to bee improper and that the Assembly be sent for & minded of what the Go: & Councill spake to them at their first meeting as meet materiall expecting a suiteable answer.]

The Dep^s appearing at M^r Whiteheads, the Clarke being sent for, the Gov: discoursed wth them upon their paper & other Publick Affaires. [To the w^{ch}] M^r Boune, the Speaker made answer on behalfe of the rest, & held an argument of neare 2 houres, pleading their rights & priviledges of Dep^s &c but [at length seemed to bee Convinced] almost by ye Gov: of having them settled by an Act as they desired, though left with hopes of having an Assembly upon occasions.

¹ The words in brackets in this document are inserted from another paper, the differences in verbiage being remarkable.

The Gov: leaving them in the Evening after their sitting, they sent [two of their] messenger[s] with a paper to bee put into an act for a Confirmation of their past acts in [November] last, without mencioning of them. I was ordered to aske for a Copy or a sight of the laws which the Clarke promised to acquaint the Speaker with.

June 5 1680

The Councill meeting the Go: and takeing into Consideracion the dilatory & tedious proceedings of the Assembly:

Resolved That the Go: & Councill repaire back to N. Y. & returne hither from thence on Thursday next in order to meete here Fryday in Councill & that the Assembly bee spoken to in the meantime to prepare what publick matters they have to prepare & communicate to the Go:

That as to the Lawes of their Assembly they bee acquainted that a copie of them is desired to take it to bee transcribed at N. Y. if they can spare them; if not to bee taken here afterwards.

9 The Go: returned to the Assembly.

A paper brought from the Assembly desiring a Committee as to ye Paper N^o 3.

10 Another paper about a new Deputy in the place of Mr Douglas as in ye paper N^o 4.

[11. Upon an addresse from the Assembly of the 9th at night for a Conference upon the Governmt proposals Resolved They being plaine & no answer nor difference or occasion knoune requires no conference, but however some of the Councill to bee ready tomorrow the 11th Inst at 2 oclock in the afternoone to heare any answer or discourse from the Assembly, if desired by them.]

11 Of the Councill there was the Secr M^r Donell, M^r Cortlandt, of the Assembly, the speaker, M^r Johnson, M^r Ward, & some others. The Deputyes offered to enter into discourse of severall particulars but the Councill refer'd

them to make answer to what they had given them in charge from the Go: & that they were ready to heare what they had to propose which they should give an acct of to the Go: but they insisted on they had given in already, so broke off.

In the evening another paper sent by the Assembly as their answer &c

12 The answer from the Assembly read in Council Resolved That nothing offered by the Assembly is for the K or Country's service, but the contrary particularly reflecting upon his Maj^{ties} L^{res} patents & the Authority thereof

Advised & Resolved. That the Assembly bee dissolved.

Papers Referred to in the Foregoing Proceedings.

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., p. 115.]

[No. 1.]

1680 New Jersey Assembly to the Go:

June 2nd Wee the Deputies of the Freeholders of this Province of New Jersey doe expect that all priviledges belonging to Inhabitants & Freeholders of the s^d Province granted to them by Vertue of the Concessions made by the Ld John Berkeley & S^r George Carterett bee to all Intents & Purposes allowed & confirmed & maintained to the aforesaid Inhabit^{nts} & Freeholders without any Infringem^t: one particular principal whereof is as of right belonging to every free borne Englishman, that there bee a Generall Assembly called once a yeare & to mete the 2nd Tuesday in Oct^r according to our usuall custom for the making of all such peculiar lawes as shall bee necessary for the good of the Province

ISAAC WHITEHEAD
Clerk to Deputy.

[No. 2.]

June 4th Bee it enacted by thes Geneall Assembly & the authority thereof that all former laws & acts of Assem-

bly, that was made & Confirmed by the Gen^l Assembly setting at Eliz-Toune in the province of New Jersey in [November] last bee confirmed for this pres^t yeare

ISAAC WHITEHEAD

Clerk of Deputies.

[To this is appended, as printed in "Grants and Concessions, p. 683, the following additional matter :]

—With this Act we did also deliver in a Copy of our Laws.

Our Proposals is, that we may have all those Privileges confirmed to us, as they are granted to every Feeeholder in this Province in our Concessions.

Item. The Confirmation of our own Laws, as we have already presented with our Law-Book to Sir *Edmund Andross*, and his Council.

These two Proposals should have been annexed to the Answer to what Sir *Edmund Andross* delivered in his Paper, signed by Secretary *Nicolls*, and was the last Paper that was delivered to Sir *Edmund* by the Deputies—

[No. 3.]

HONRD S^R

June 9th That which the Deputies desired a Committee from y^r honrd selfe & Council was & is to Conferre about y^r hon^{rs} proposals presented to us.

ISAAC WHITEHEAD

Clerk to Deputys

[No. 4.]

10th HONRD S^R: The Dep: finding occasion to purge themselves of such a member as cannot be allowed of by law, namely, William Douglas, the afore^{sd} member upon examination being himself to be a Roman Catholick, wee have proceeded so to doe, & further desire y^r honor to issue out y^r warrant to the Toune of Berghen for a new choice for one to supply his place so make up our number & full coren.

ISAAC WHITEHEAD

Clerke to Deputies.

Proceedings Against William Taylor and John Curtis.

[From N. Y. Col. MSS., in Secretary of State's office, Vol. XXIX., pp. 111, 112.]

Elizabeth Toune June 8 1680

I underwritten, being at Jonas Wood y^e ordinary Keeper there did I heare Wm Tailor comonly called Doctor Tailor utter many railing invective speeches against S^r Edmund Andross & his Government saying y^t S^r Edmund Andross was a rogue & a traitor & had dealt treacherously in taking away their Governour, meaning Captain Phillip Carterett & y^t he would say it to his face then repeating y^e words he had s^d afores^d, together with many other opprobrious Language, at which discourse Mr Justice Ward bid him hold his tongue, yett still he did persist, saying y^t S^r Edmond had none butt a Company of Rogues and Traitors about him in his Councill, & yt he would not be governed by such. This being the very words though often repeated. As witnesseth my hand

R MANN

Whereas information is given that one William Taylour, a transient person having no certaine place of abode, comonly called "Doc^r" or "Survey^r" & John Curtis, late of Hempstead on Long Island, labourer, have maliciously uttered very opprobrious words both of the Go: & Government, tending to the Breach & Disturbance of his Maj^{ties} peace in these pt, These are in his Maj^{ties} name to require you to seeze upon the p[']sons of the s^d Taylour & John Curtis & them safely to keepe untill they can be conveyed over to N. Y. there to bee delivered into ye custody of the Sheriffe of the City & remain in Prison untill further order or that they shall bee discharged by due course of law. Dated in Eliz. Toune in N. Jersey this 9th day of June 1680

& bring them before mee in this place or someother Justice of the Peace of this Govern^t to be examined touch-

ing the truth of the matter layd to their Charge for the
doeing whereof this shall be y^r warrant. Dated in Eliz.
Toune in New Jersey this 9th day of June 1680

To the Const of Elizabeth Toune

Endorsed. A war't to the Constable of Newarke to sieze
upon & secure ye W^m P Taylor if to bee found within
their precinct. June 10 1680

A war't to the Constable of Elizabeth Toune to sieze
upon W^m Tyler & John Curtis for use abusive language
against Go: & Gov^t. June 9th 1680.

John Curtis comitted into the Const. hands
till further order.

*From Governor Carteret to the Proprietor.*¹

[From "Grants and Concessions," p. 677.]

Letter from Governor Carteret to the Proprietor
narrating the proceedings of Governor Andros.

RIGHT HONOURABLE SIR

Since my last of the 8th *April*, 1680, the Copies where-
of I herewith send you, Sir *Edmund Andross* came hither
on *Wednesday* the 7th Instant accompanied with several
of his Officers, Councillors and Merchants, to demand the
Government of this your Honour's Province, supposing to
have gained it either by Threats or Flattery; and having
Notice of it before hand I had gotten together a Matter of
150 Men in Arms to receive him, doubting he would have
brought some offensive Forces along with him but did not,
and having leave with his Train to come a Shore, he came
up to my House, where after the Civilities past, he began
to show by what Authority he had to lay Claim to the

¹ The name is not given in the printed copy, and it is presumed the letter was
written to Sir George Carteret, grandson and heir of the original proprietor who had
died January 13th, 1680. Ed.

Government; and first began publickly to read his Majesty's Letters Patents, under the Great Seal, directed to himself for the receiving of the whole Country from the *Dutch*, which signified little to the Purpose; than [then?] he brought out his Majesty's Grant to his Royal Highness with the broad Seal to it, which myself and Council had sufficiently examined before, which was likewise read publickly, as also his Commission from his Royal Highness, that being done we drew into the House and came to the Table, where we laid open those Writings we had in your Honours behalf from his Majesty and his Royal Highness, and had several Arguments upon them, when coming to a Conclusion, we maintained and made it appear that by the same Authority he demanded the Government, by the very same your Honour doth hold yours of this Part of the Province, as being the Dukes Assignee; upon which his last Answer was, that he had showed what Authority he had and according to his Duty did require it in behalf of his Master, and if we would not obey him, let it rest at our Perils, for that we answered him we had sent away our appeal to his Majesty, and should be ready to submit to what his Majesty should determine, and then we went to Dinner, that done we accompanied him to his Sloop and so parted.

Now your Honour may be pleased to take Notice, that we do not conclude that this Business will End, but will depend upon your Honour's diligence to have a final Issue of all differences according to that which myself and Council have advised your Honour, and to be sent us with all the speed that may be; no more at present but remain your Honours most faithful and humble Servant.

Elizabeth-Town, New-Jersey, July 9th, 1680.

MR. COUSTRIER,

SIR, SINCE the Writing above, I cannot omit informing you of SIR *Edmund Andross*, his Actions and Proceedings to the Government of the Province of *New-Jersey*,

where after many Debates and Disputes, we concluded to decide it rather by Arguments than Arms, but the Rancor and Malice of his Heart was such, that on the 30th day of *April* last, he sent a Party of Soldiers to fetch me away Dead or alive, so that in the Dead Time of the Night broke open my Doors and most barbarously and inhumanly and violently halled me out of my Bed, that I have not Words enough sufficiently to express the Cruelty of it; and Indeed I am so disabled by the Bruises and Hurts I then received, that I fear I shall hardly be a perfect Man again Capt. *Bollen*, will inform you more ample to whom I refer you, and desire you to be assistant to him in whatsoever you may, and you will infinitely oblige him that is Sir,
your humble Servant.

Governor Carteret to Captain Bollen.

[From "Grants and Concessions," p. 683.]

Elizabeth-Town, New-Jersey, July 9th, 1680.

CAPTAIN BOLLEN,

Sir, Yours from *Farefield*, dated the 18th *May*, which was directed to *George Jewel*, it was a Month before it came to my Hands; and your other two Letters by *John Willson's* Wife of the 8th *June*, and 21st, being three Weeks after, before I received them, which was by reason of the long Passage of the Vessel. I could gladly have wished that I could have written to you when you were in *New-England*, but could not with safety in the Time of my Imprisonment, which was five Weeks before they brought me to my Tryal, and this being the first Opportunity, with Convenience, that I have had since your Departure, which goeth by *Mr. George Heathcott*, for *England*, giving you an Account of *Sir Edmund Andross*, Proceedings. When I came to my Tryal my Intentions at first was not to have entered a Plea, and to have protested against the Jurisdiction of the Court; but finding the Court to be over ruled

by him, was forced to enter a Plea, and pleaded not guilty of what he alledged against me in my Presentment; and also was ready to make out and justify my Actings as Governor of *New-Jersey*, to be legal and by Virtue of Power derived from the King; to which purpose recommended to the view of the Court, my Commission with other Instructions to manifest the same, which was delivered with a Charge to the Jury, who after a perusal of the same by the Jury, was to make a return of their Verdict concerning it, with their Verdict in Matter of Fact, which was thus brought in by the Jury: The Prisoner at the Bar not Guilty—Upon which he asked them Questions and demanded their Reasons—which I pleaded was contrary to Law for a Jury to give Reasons after their Verdict given in; nevertheless he sent them twice or thrice out, giving them new Charges, which I pleaded as at first to be contrary to Law, notwithstanding the last Verdict of the Jury being according to the first brought in by them, *the Prisoner at the Bar not Guilty*, upon which I was acquitted accordingly, as you will [see] by a Copy of my Tryal which I here inclosed do send you, with the rest of Sir *Edmund Andross* Proceedings against me—If you cannot find the Book amongst Sir *George Carteret*, where all the Proceedings of *New-Jersey* are Copied in, as Deeds Transports or the like from his Royal Highness to Sir *George Carteret*, you will find the said Book in the Hands of Mr. *Holder*, the Dukes Auditor: Also to be mindful as there hath been a new Dividend or Alteration of the worst [west?] Part of the Province where the Quakers do live from this, to take this opportunity for to have it renewed, that we may know the certain Bounds and Distinction of both; and do likewise advise you to address yourself to the Commissioners of the Custom-House, to whom I have also sent Copies of Sir *Edmund Andross* Transactions, and also desire their Assistance to my Lady *Carteret* in this Business; and likewise to make acquainted of the same both Sir *Edward Carteret's*, Doctor *Darvall*, Mr. *De Maresque*, Capt. *Me-*

servie, and the rest of my Friends and Acquaintance there, to be Assistants for our relief in this Case; and if possible they can to endeavour their utmost means for the obtaining our Powers again, and all Things to be confirmed and run in their former Channel with us as they did before. I have written to my Lady *Carteret*, about *Amboy*, and some other concerns of my own, for which I would pray you to use your utmost endeavours to have a grant of my request therein, and what lies in my Power shall not be wanting for the Supply of your Children, and mindfulness of your Concerns here. By this opportunity of Mr. *Heathcott*, Capt. *Dyre* is intended for *England*, by which I thought good to advise you, to be observant in his Motions, that he doth not Sware and Romance against us, as he did the Time before, and by all opportunities that I may hear from you, and to be very diligent of our concerns in *England*, leaving no Stone unturned that may be for our good, and as often as need doth require, shall not be wanting in doing my Part in Writing to you by all Opportunities that doth present, the like I expect from you and so remain

Your assured loving Friend,

P. C.

Objections of the Freeholders and Inhabitants at Woodbridge to Making Choice of Justices in Accordance with the Instructions of Governor Andros.

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., p. 153.]

An order being presented at a Publick Toun meeting at Woodbridge July 14 1680 to the Ffreeholders & Inhabitants there from S^r Edmond Andrews K^t Governourr Generall &c requiring them to make choice & returne the names of three fitt persons for keeping monthly courts, & determining matters not exceeding forty shillings, beareing date 25th day of June in the 32nd yeare of his Maj^{ties} Raigne 1680

Wee the ffreeholders & Inhabitants having obtained a Graunt or Charter from Governour Philip Carteret & Council bearing date y^e first day of June 1669, containing severall privileges, whereof one is, to Erect or Ordayne a Court of Judicature within their oune Jurisdiction, for the Triall of all Causes Actionab^{le} &c & power to choose their oune Magistrates to joine with the President or Judge of the s^d Court &c doe hope his Hono^r will not infringe any of these our Priviledges therein graunted, but will Continue us in the same, therefore at present see no reason to make choice of any men for the end in the sd order expressed.

By order of the Ffreeholders & Inhabitants present.
 SAM^r MOORE Toune Clerke.

Approval of Piscataway Appointments.

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., p. 153.]

By the Governour

Upon the Returnes from the Tounes of Pisscataqua in New Jersey of Capt Henry Greenland, M^r John Gillman and M^r Edward Slaughter to bee Overseers¹ or for their Toune Courts, I doe Approve of their choice and together with any of y^e Justices of ye Peace to keepe the Toune Courts and to heare and determine all matters not Exceeding Five pounds according to Law.

Given under my hand in New Yorke this 25th day of July 1680.

Proceedings of Council.

[From N. Y. Col. MSS., in Secretary of State's office, Vol. XXIX., pp. 169, 179.]

At a Councill in New Yorke July 21 1680

New Jersey Buisness upon Returnes from Eliz: Toune & Newarke for Clarke of the Cor^t of Sessions, John Warren & Jos . . . John Warren to bee Clarke

¹ The same were returned "Members for ye Cort of Small causes," August 4th, 1680. ED.

The returne from Eliz: Toune & Newarke: for Eliz: Toune—M^r Isaac A Whitehead Sen^r, M^r Hen: Lyens M^r George Rowe.

For Newarke: M^r John Ward, M^r Thomas Johnson
Capt Samuell Swaine

Approved to bee Overseers (or officers!) & together with the Justices of y^e Toune &c heare & determine all matters not exceeding 5 £ according to Law.

M^r Thomas Johnson to be Justice at Newarke as desired.
A particular Comision for one year or further Orders.

.

N. Y. At a Councill &c July 30 1680.

Upon the returne from Berghen, upon being informed that none of did meete.

Resolved That Cornelius VanderBurgh, & Gerrit Geritye bee allowed, Hdyreck Clark Braedy & Elyas Michaelye bee not allowed & . . . Toune meeting to bee held Monday next at Berghen for the naming of two others as also of a New Constable in the place of Capt Hans Diderick his time of Constable being long since expired

Woodbridge. Sam: Dennis to be Clarke being one of the two returned & a Comission for a New Justice there & a returne of the inferior officers forthwith bee made.

Capt Hy Greenland a Comission to bee Justice at Piscattaway.¹

A petition from W^m Meaker of New Jersey & State of his Case for Release

To have his remedy at law according to his peticion.

Proceedings Against John Curtis.

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., p. 183.]

For having uttered scandalous and seditious words and Expressions agst the Go: & Govm^t.

Whereas, John Curtis lately a Prisoner at New Yorke

¹ On August 4th, 1680, chosen also, with John Gilman and Edward Slater, to form the Court of Small Causes. ED.

having by the Sheriffe been lett out upon Bayle to returne again to prison in some short time or whensoever hee should bee sent for or have notice thereof, the which hee hath neglected or refused to doe, but . . . lurking up & doune to keepe himselfe from Justice. These are in his Maj^{ties} name to require you to make diligent search & Enquiry after the s^d Curtis & if hee shall bee found within s^d Towne & precinct that you forthwith . . . & secure him & safely convey him into ye hands of ye Sheriffe of New Yorke, where Care shall be taken all charges unto you arrising on this acct hereto you are not to fayle, other matters to ye contrary at your own peril. Given under our hand & seal in Woodbridge this 4th day of Aug. 1680.

To the Cor^t at Woodbridge.

Another left at Eliz: Toune for y^e Constable.

Warrant for the Arrest of Samuel Moore and Samuel Dennis.

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., p. 184.]

Whereas, Samuell Moore of this place having been by us ordered & Comanded to give his attendance on the Go: at N. Y. to answer his signing to a paper in the name of the Toune whereon they positively refuse to obey S^r Edmund Andros, (the Governor) order by choosing officers for their Toune Co^{rtes} & Samuell Dennis having likewise contemptuously refused the Go^s choice of him to bee Clarke to the County Co^{rt} or Sessions, hee being one of those returned by the Justices for that Place, Hee the sd Moore, after having denyed to goe if he could helpe, slipping out of the way whilst a warr^t was preparing for him after having refused his Comisions & also suspected to have a hand in promoting the Toune's Result afores^d, it being drawne up with his oune hand writing as was supposed, & having fayled to come to us this day as hee

promised. These are in his Maj^{ties} Name to require you to apprehend the bodys of the s^d Sain: Moore & Samuell Dennis as soon as they shall or can bee found within ye toune & precinct & that ye comand some of his Ma^{ties} good subjects of the place or neighbourhood to assist you therein, if wanted, as also in conveying them or either of them if you cannot meete with both to ye city of New Yorke to bee delivered into the Sheriffe's hands, where Care will bee taken to satisfy all necessary charge on this acct. Hereof you are not to fayle at your utmost perill. Given under our hand and seal at Woodbridge the 4th day of August 1680.

To the Const at Woodbridge.

Proceedings of Council.

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX. p. 167.]

At a Councell &c Aug 13th 1680. Present the Go: & Councill. All six of y^e Councill.

Mr. Sam: Moore a Prison^r & in the Ffort. His meane Condicion many children &c taken into consideracion. Hee is ordered to bee released & goe home about his buisnesse. His absenting himselfe & his greatest Fault, hee engaging to behave himselfe as hee ought & acknowledging his Error^s & mistake.

.

Dr W^m Taylor committed for abusive language agst Go: & Govern^t: brought out of prison by y^e Sheriffe. It was in N. Jersey, when ye Go: was there. Spoke before severall members of y^e Assembly.

To bee dismist, hee endeavouring to give security for his future good behaviour.

Hee craving pardon for w^{ht} past & engaging a reformation &c

.

Memorandum as to Mr. Byllynge's Claim.

[From "New York Colonial Documents," Vol. III., p. 284.]

August y^e 6th (80)

MEMORAND^m M^r Billing for himselfe and others having long insisted on their Right derived from y^e Dukes graunt to Lord Berkley and S^r George Carteret (as Proprietors of West New Jersey in America) to be exempt from paying any Customes or other dutyes, or being any ways und^r y^r jurisdicc^on of New Yorke, but alleading y^e said West New Jersey to be wholly independant therefrom; after many hearings by the appointm^t of his R^{ll} High^{nes} who was pleased to referr y^e whole matter to y^e decision of Sir William Jones &c^o. At the last Sir William Jones gave his opinion und^r his owne hand as followeth:—

Sir William Jones' opinion about West Jersey

28 July 1680.

I doe hereby humbly certify that having heard w^t hath beene insisted upon for his Roy^{ll} Highnesse to make good y^e legality of y^e demand of Five p^{er}cent from y^e inhabitants of New Jersey: I am not satisfyed (by any thing that I have yet heard) that y^e Duke can legally demand that or any other duty from y^e inhabitants of those lands. And y^t w^{ch} makes y^e case the stronger against his R^{ll} H^{nes} is, that these inhabitants clayme und^r a graunt from his Roy^{ll} Highnesse to y^e Lord Berkley and Sir George Carteret in w^{ch} graunt there is noe reservac^on of any proffitt or soe much as of Jurisdicc^on

W. JONES

In compliance to w^{ch} opinion His Roy^{ll} Highnesse y^s day 6 augst (80) at Windsor did co'mand Sir John Werden to bring him a Deed of Confirmac^on (or Release) tendered by M^r Billing, the more firmly to convey the said West New Jersey to him and y^e rest of the Propreiters, and

plainly to extinguish y^e Demand of any Customes or other dutyes from y^m (save y^e rent reserved as at y^e first) And his Rⁿ H^{ss} though his Councell at Law (Sir John Churchill and Sir George Jeffreys being both absent) had neither drawne nor signed it, was pleased to execute y^e same accordingly; by reason y^t M^r Billing urged y^e necessity of it now, to have y^e benefitt of the ships present voyadge, some being now ready to sayle into these parts of West New Jersey above menc'oned

*Grant from the Duke of York to William Penn, Gawen Lawrie, Nicholas Lucas, John Eldridge and Edmond Warner for West New Jersey, in Trust for Edward Byllynge, to Whom the Government is Conveyed.*¹

[From Original in the New Jersey Historical Society Library.]

This Indenture made the Sixth day of August Anno Dnⁱ 1680. And in the Two and Twentyeth yeare of the Reign of King CHARLES the Second over England &c BETWEENE his Royall Highness James Duke of Yorke and Albany Earle of Ulster &c And Brother to our Sovereign Lord the King of the one part Edward Byllinge of Westminster in the County of Midd'x Gentl: William Penn late of Rickmansworth in the County of Hertford and now of Warminghurst in the County of Sussex Esq^e: Gawen Lawry of London Merchant Nicholas Lucas of Hertford in the said County of Hertford Maulster John Eldridge of St Pauls Shadwell in the County of Midd'x Tanner and Edmond Warner Citizen of London of the

¹ Several of the original grants and conveyances connected with the transfer of West Jersey are not known to exist. As they were superseded by later documents, it is presumed their preservation was deemed unnecessary. Two of these are: 1st. Deed from Lord John Berkeley, for his interest in New Jersey, to John Fenwicke, in trust for Edward Byllynge and his assigns, March 18th, 1673-4; 2d. Deed from Edward Byllynge to William Penn, Gawen Lawrie and Nicholas Lucas, in trust for the benefit of his creditors—Lawrie and Lucas being two of them—February 14th, 1674-5. The quintipartite deed of July 1st, 1676, and the grant here inserted rendered these and others nugatory. ED.

other part WHEREAS our Sovereign Lord the Kings Ma^{tie} in and by his Letters Patent under the Great Seale of England bearing date the Twelfth day of March in the Sixteenth yeare of his said ma^{ties} Reign **Did** (amongst severall other things therein menc'oned) give and grant unto his said Royall Highness the said James Duke of Yorke his heires and assignes **All** that Tract of Land Adjacent to **NEW ENGLAND** in the parts of **AMERICA** and lying and being to the westward of Long Island and **Manhattas** Island and bounded on the East part by the **Maine** Sea and part by **Hudson's** River and hath upon the west **Dellaware** Bay or River and extendeth Southward to the **Maine** Ocean as farr as **CAPE MAY** at the **Mouth** of **Dellaware** Bay and to the Northward as farr as the Northermost branch of the said Bay or River of **Dellaware** which is in one and fforty Degrees and fforty Minutes of Lattitude and Crossing over thence in A. Streight Lyne to **Hudsons** River in one and fforty Degrees of Lattitude **WHICH** said Tract of Land was thereafter to be called by the name of **NEW CESAREA** or **NEW JERSEY** with all the Lands Islands Soyles Rivers Harbours Mynes Mineralls Quarries Woods Marshes Waters Lakes fishings Hawkings Huntings and fowlings And all Royalties profitts Comodities and Heriditaments to the said p'misses belonging and appertayning with their and every of their appurten'nces **AND** all his said Ma^{ties} Estate Right Title Interest benefit Advantage Claime and demand of in and to the same p'misses or any part or parcell thereof, And the Reversion and Reversions Remainder and Remainders Together with the yearely and other Rents Revenues and profitts of the same and of every part and parcell thereof **To hold** unto his said Royall Highness the said James Duke of Yorke his heires and assignes forever to be holden of his said Ma^{tie} his heires and Successors amongst other the things therein granted as of his Ma^{ties} Mannor of East Greenwich in his Ma^{ties} County of Kent in ffree and Com'on Soccage and not in Capite by Knights Service under the yearely

Rent therein menc'oned **And** Whereas his Royall Highness the said James Duke of Yorke Did heretofore by severall good and sufficient Conveyances and Assurances under his hand and seale duely executed and dated the Three and Twentyeth and fower and Twentyeth daies of June In the Sixteenth year of his said Ma^{ties} Reign (for the consideration therein menc'oned) Grant and Convey the said Tract of Land and p'misses before menc'oned unto John Lord Berkley Baron of Stratton and one of his Ma^{ties} most Hono^{ble} Privy Councill and S^r George Carterett of Saltram in the County of Devon Kn^t and Baronett and one of his Ma^{ties} most Hono^{ble} Privy Councill and their heires the said Tract of Land and p'misses before perticularly menc'oned And the Revers'on and Revers'ous Remainder and Remainders of the same **To hold** unto the said John Lord Berkley and S^r George Carterett their heires and Assignes forever vnder the yearely Rent of Twenty Nobles Sterling payable as the same is therein reserved to be paid **And** Whereas the said John Lord Berkeley Did afterwards Convey All his full and vndivided Moiety of all and singular the same p'misses unto John ffenwick Esq^e his heires and assignes for ever IN TRUST And by the said John ffenwick owned to be in trust for the said Edward Byllinge his heires and assignes for ever **And** the said John ffenwick afterwards by the Consent and direction of the said Edward Byllinge AND ALSO the said Edward Byllinge Did Convey the said Vndivided Moiety of the p'misses unto the said William Penn Gawen Lawry and Nicholas Lucas and their heires to the uses following (that is to say) As to Tenn equall and vndivided Hundred parts thereof to the use of the said John ffenwick and of his heires and assignes forever AND as to the other Nynety equall and vndivided parts being the residue of the said Vndivided Moiety To the use of the said William Penn Gawen Lawry and Nicholas Lucas their heires and assignes for ever IN TRUST for the said Edward Byllinge his heires and assignes forever. AFTER which the said John ffenwick

Conveyed ALL his said Ten equall and Vndivided Hundred parts of the said Vndivided Moiety unto John Edridge and Edmond Warner their heires and assignes for ever AND the said John Edridge and Edmond Warner Did Convey the Same Tenn equall and Vndivided Hundred parts unto the said William Penn Gawen Lawry and Nicholas Lucas their heires and assignes forever The better to enable them the said Edward Byllynge William Penu Gawen Lawry and Nicholas Lucas to make a Partition of the said Intire p'misses with the said S^r George Carterett ~~And~~ ~~Wherreas~~ afterwards upon A Partition made of the said whole and Intire p'misses between the said S^r George Carterett AND the said William Penn Gawen Lawry Nicholas Lucas and Edward Byllynge THE SAID S^r George Carterett Did bargain sell Release and confirme unto the said William Penn Gawen Lawry and Nicholas Lucas their heires and assignes forever ~~All~~ that WESTERNLY part share and porc'on of the said whole and Intire Tract of Land and p'misses before menc'oned which is extending Southward and westward and Northward along the Sea Coast and the before menc'oned Bay or River called DELLAWARE BAY and DELLAWARE RIVER unto a certain Point there now called the South Partit'on Point being the most Southwardly Point of the East side of a certain place or Harbour lying on the Southern part of the said Tract of Land and p'misses called or known in the Mapp of the said p'misses by the name of LITTLE EGG HARBOUR and a certain other Point there now called the North Partic'on Point being the most Northerly Point Branch or part of the said River called DELLAWARE RIVER And from thence (that is to say) from the said North Partic'on point extending Southward unto the said South partic'on point by a Streight and direct Lyne drawn through the said Tract of Land from the said North partic'on point unto the said South partic'on point by the Consent and agreement of the said partyes now called the Lyne of partic'on and by them intended for the

dividing and making a partic'on of the said WESTERNLY Part share and porc'on from the Easternly part share and porc'on of the said Tract of Land and p'misses AND all and every the Isles Islands Rivers Mines Mineralls woods ffishings Hawkings Huntings ffowlings and all other Royalties Powers ffranchises Harbours profits Comodities and Hereditaments whatsoever unto the said WESTERNLY part share and porc'on belonging or apperteyning AND all the Estate right title and Interest Claime and demand whatsoever of him the said S^r George Carterett of in unto and out of the same AND the Revert'on and Revert'ons Remainder and Remainders of the Same and of every part and parcell thereof **All** which said WESTERNLY part share and porc'on was then and now is by the consent and agreement of the said parties the said S^r George Carterett William Penn Gawen Lawry Nicholas Lucas and Edward Byllynge called and agreed from thenceforth to be called by the name of WEST NEW JERSEY and all that and only all that part share and porc'on and all those parts shares and porc'on of the said Tract of Land and p'misses Soe Conveyed by the said James Duke of Yorke unto the said John Lord Berkeley and S^r George Carterett as aforesaid as lyeth and lye extended westward and Southward from the west side of the said Lyne of partic'on before menc'oned **To hold** unto the said William Penn Gawen Lawry and Nicholas Lucas their heires and assignes in severalty to the use of them their heires and assignes forever UPON which partic'on soe made THEY the said William Penn Gawen Lawry and Nicholas Lucas became seized of All that WESTERNLY part of the said p'misses now called WEST NEW JERSEY with the appurtenances in severalty AND being Soe siezed pursuant to a Trust for that purpose reposed in them They Conveyed Tenn full equal Vndivided Hundred parts of the said westernly part of the said p'misses called WEST NEW JERSEY unto the said John Edridge and Edmond Warner and their heires **To hold** unto them and their heires To the use of them and their

heires for ever And the said William Penn Gawen Lawry and Nicholas Lucas remaining still siezed of the other Ninety equall and Vndivided Hundred parts of the said WESTERNLY part of the said p'misses called WEST NEW JERSEY to them and to their heires for ever BUT ALWAYS In Trust for the said Edward Byllynge his heires and assignes for ever **And Whereas** since the making and Executing of the said Conveyance soe made by His said Royall Highness unto the said John Lord Berkeley and S^r George Carterett as aforesaid And in the Times of the late wars between his said Ma^{tie} and the States of the United Provinces of the Netherlands The Armies and Subjects of the said States Gained the possession not only of the said p'misses Soe by his said Royall Highness Conveyed unto the said John Lord Berkeley and S^r George Carterett as aforesaid BUT ALSO of other the Lands and hereditaments which were originally granted unto his said Royall Highness by his Ma^{ties} said Letters Patent herein before recited All which were afterwards required from the said States or by them delivered up unto his said Ma^{tie} **And Whereas** his said Ma^{tie} Did by other his Letters Patent Dated the Twenty Nyneth day of June In the Six and Twentyeth yeare of his said Ma^{ties} Reign Grant and Convey unto his said Royall Highness and his heires for ever AS WELL the said Tract of Land and p'misses hereinbefore recited to have been Granted and Conveyed by his said Royall Highness unto the said John Lord Berkeley and S^r George Carterett as aforesaid AS ALL other the Lands and Hereditam^{ts} In and by the said herein first before recited Letters Patent granted or menc'oned to be granted **And Whereas** by the said severall Grants soe made by his said Ma^{tie} unto his said Royall Highness as aforesaid Severall Powers and Authorities are and were given and Granted unto his said Royall Highness his heires and assignes To BE Executed by his said Royall Highness his heires & assignes or by the Deputies Agents or Comm^{rs} of his said Royall Highness his heires or assignes which are

necessary As well for the Planting Peopleing and Improving of all and every the respective Lands places and Territories thereby granted AND for the Transporting thither from time to time such of his Ma^{ties} Subjects as should be willing to goe or to be Transported into those parts or any of them As for the Defending Guarding Keeping of the Same As also for the well Governing of the same and of all such as are and Shalbe Inhabiting in the same AND for the makeing ordaining and Executeing of necessary and convenient Lawes and Constituc'ons in order to such Government and the punishing and pardoning offences and offenders as occasion shall require AND to Nominate Make Ordaine Constitute and Confirme AND also to Revoak Discharge Change and Alter all and singular Governours officers and Ministers which by his said Royall Highness his heires or assignes shalbe from time to time thought fitt or needfull to be made ordained appointed or used in the said parts or places or any of them AND to doe all other things needfull usefull and necessary for the well Governing Keeping Defending and preserving the said respective Places and Territories and of every of them and all such as are and shalbe Inhabiting there **Now these presents witness** That for and in Consideration of a Competent sume of Lawfull English moneys unto his said Royall Highness in hand paid and for the better Extinguishing All such Claimes and demands as his said Royall Highness may any wayes have of or in the p'misses aforesaid now called WEST NEW JERSEY or any part of them AND for the further and better Setling Conveying Assuring and Confirming of the same and of every part thereof According to the Purport and true meaning of these p'nts His said Royall Highness The said James Duke of Yorke **With** Granted bargained sold and Confirmed And by these p'nts Doth Grant Bargain Sell and Confirme unto the said William Penn Gawen Lawry Nicholas Lucas John Edridge and Edmond Warner **All** That part share and porc'on and all those parts shares and porc'ons of All that Intire Tract

of Land AND all those Intire p'misses Soe Granted by his said Royall Highness unto the said John Lord Berkely and S^r George Carterett and their heires as aforesaid As in by and upon the said Partic'on aforesaid was and were vested in the said William Penn Gawen Lawry and Nicholas Lucas and their heires and then agreed to be called by the name of WEST NEW JERSEY Together with all Islands Bayes Rivers Waters Forts Mines Quarries Royalties franchises and appurten'nces whatsoever to the same belonging or in any wayes appertaining AND ALL the Estate Right Title Interest Revert'on Remainder Claime and Demand whatsoever AS WELL in Law as in Equity of him the said James Duke of Yorke of in unto or out of the same or any part or parcell of the same AS ALSO the free Vse of all Bayes Rivers and Waters Leading unto or lying between the said p'misses or any of them In the said parts of AMERICA for Navigation ffree Trade ffishing or otherwise **To have and to hold** unto the said William Penn Gawen Lawry Nicholas Lucas John Edridge and Edmond Warner their heires and assignes for ever **To** the Vses following (that is to say) As to Tenn Equall and Vndivided Hundred parts thereof To the Vse of the said John Edridge and Edmond Warner and of their heires and assignes for ever AND as to the other Ninety Equall and Vndivided Hundred parts thereof To the Vse of the said William Penn Gawen Lawry and Nicholas Lucas and of their heires and assignes for ever **In Trust** NEVERTHELESSE for the said Edward Byllynge and for his heires and assignes for ever **Yielding and paying** therefore yearely for the said whole Intire p'misses unto his said Royall Highness his heires and assignes the yearely Rent of Tenn Nobles of Lawfull English money At or in the Middle Temple Hall London At or upon the feast day of S^t Michael th' Arch Angell **And these unto further witnessse** That for the better Enabling the said Edward Byllynge his heires and assignes to Improve and Plant the said p'misses with People and to Exercise all necessary Govern-

ment there whereby the said p'misses may be the better Improved and made more Vsefull to him his heires and assignes and to the Kings Ma^{tye} His said Royall Highness hath Likewise Given Granted Assigned and Transferred and doth by these p'nts Give Grant Assigne and Transferr to the said Edward Byllynge **¶** and every such the same Powers Authorities Jurisdictions Governments and other matters and things whatsoever which by the said respective recited Lettrs Patent or either of them are or were Granted or intended to be Granted to be Exercised by his said Royall Highness his heires Assignes Deputies Officers or Agents in upon or in relac'on unto the said p'misses hereby Confirmed or intended to be Confirmed and every of them **IN CASE** the same were now in the **ACTUAL SEISIN** of his said Royall Highness **To be held** Enjoyed Exercised and Executed by him the said Edward Byllynge his heires and assignes **AND** by his Deputyes Officers Agents and Comm^{rs} As fully and amply to all intents constructure's and purposes as his said Royall Highness or his heires might could or ought to Hold Enjoy Vse Exercise or Execute the same by force and vertue of the said severall and respective before recited Letters Patent or either of them or of any thing in them or either or any of them conteyned or otherwise howsoever **In Witnesse** whereof the partyes to these pre'ts have hereunto **INTERCHANGEABLY** sett their hands and Seales The day and yeaere first above written.

JAMES

[On the back.]

Signed Sealed and Delivered by his Royall Highness
JAMES Duke of Yorke within named In the p'sence of

Jo WERDEN

THOS HEYWOOD

Thomas Heywood maketh oath that he the day & yeaere
within written saw his Highness the Duke of Yorke signe

Seale & as his Act and Deed deliver this Indenture to the
Vse within menc'oned and afterwards subscribed his name
as a witness

Jur 3^d die Sept 1680
cor'a me Mg'ro Cann

THO: HEYWOOD

J. CLERKE

Town Clerk of Middletown to Governor Andros.

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., p. 189.]

HON^{'D}

SIR: the Cuntsable haveing convened a towne Meeting
acording to your order and your Order Read of concern-
ing the Choosing of three men for the trying of small
causes, but noe vote was passed.

JAMES BOWNE
Town Clerke

Midle Towne 19th of August 1680

From John Bowne to Governor Andros.

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., p. 190.]

S^r

By these you may understand that I have received the
order for houlding of a Court of Sessions at Shrewsbury
and other orders therein contained I have indeavored to
efect but . . . obstructing in a large measure for I
am very Ill myself, soe as not being capeable to goe abroad
& Mr Peter Parker is very weake, more like to die than
to live, whom I have maid . . . I beg your excuses.
Not els at present but y^t I am S^r Your loving friend and
servant

JOHN BOWNE

Midelltown 20th of Agust 1680.

Case of William Meeker¹ Against William Pardon.

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXIX., pp. 209, 214, 216, 217, 228.]

At a Court of Sessions held at Eliz:
Towne . . . for ye sd Towne and
ye Towne of N'warke ye 8th Augst
[September ?] 1680

Wm Meeker
p^{l^{tr}}
W^m Pardon
Deft

In ye case betweene ye p^{l^{tr}} & Def't
ye pltf declaring in an action for tres-
passe and . . . that ye Deft for sever-
al years past kept him out of his
house & accommodations in ye s^d Eliz:
Towne & siezed upon & converted to his owne use his
stock therein; an Inventory whereof was produced in
Court ye whole to his damage 300 £, after a full hearing
on both parties & divers evidences produced ye same
being referred to ye Jury, they brought in their verdict
for the pltf, that he should be repossesst of his Estate with
costs leaving ye damage to ye consideration of ye Co^{rt}
The Count doe appeal [approve ?] of ye verdict of ye Jury
& give Judgment accordingly and further that ye Deft pay
damage to ye pltf ye sume of Twentie pounds by order of
ye Court of Sessions.

Isaac Whitehead to Captain Nicolls.

CAP^{TN} NICOLLS AND MUCH RESPECTED

SIR After my Service presented these are to let you
understand M^r Ogden desired me to write a few liens to
you to signifie to you that Cap^{tn}: Carterett sent his Clarke

¹ WILLIAM MEEKER, the plaintiff in this case, held the office of Constable, and was an active adherent of Captain James Carteret. Having been one of the principal actors in a case which was thought to impugn the authority of the regular Government, he was subjected to a fine, and for the part he took against William Pardon, his property was confiscated and awarded to Pardon, and hence this suit.—"East Jersey Under the Proprietaries;" Hatfield's "Elizabeth." Ed.

to You to take a Copie of y^e Declaration against M^r Pardon and y^e names of y^e Jury and of y^e foreman of y^e Jury Alsoe Goodman Meeker upon y^e 14th of this Instant meeting M^r Pardon against y^e Smiths shop of Cap^{tn}. Carteretts wherin was Robert Stevens and Joseph Whitehead who heard Goodman Meeker Demand of M^r Pardon a Repossession of his Estate according to ye Judgment of y^e Court M^r Pardon would not make answer to him presently upon which Goodman Meeker said to M^r Pardon I must have an answer from you one way or other M^r Pardon then replyed to goodman Meeker I Dont know whether I shall or noe goe about your bussiness : not more at present your most

Humble Servant

ISAAC WHITEHEAD

Elizabeth Towne September 14th 1680)

if it please you y^e Constable Came to me after I had write this letter before I had sealled it and Said he had been with M^r Pardon to demand y^e Court Charges and he answered him that he would not have time to give him the heareing y^e Constable sayth he hath been with him three times but can have no satisfieing answer.

Petition of William Pardon to Governor Andros.

To His Excellency S^r EDMUND ANDROSS Knight Sen^r of
S^t Maria Gent and Go^{vr} Gen^{tl} And vice Admirall
Under his Royall Highness James Duke of York—
And of all His Territo^{rys} in Amerika and His Council
at ffort James.

The Humble Petitions & Adress of William Pardon of Elizabeth towne in New Jersey Humbly Showeth.

That there haveing been An Action of Trespass & . . . Comenced by W^m Meaker pl^{ff} against yo^r Petition^r W^m Pardon Deft in the Countey Court held at Elizabeth town the Eight Day of this instant ; which Action being called yo^r petition^r Craved of the Said Court that he might have respitt untill the next Court to bring in his plea, for that hee

was not prepared, his Wittnesses & other matters Escential to the Case could not be brought in at soe short warning. in order to a full and faire heering (though yo^r petition^r in Respect to the Court did appeare w^h hee might Lawfully have forborne) with intent to have been better prepared But the Court haveing not full information over Ruled the matter to a proceeding, (though he had reason to Exept against most of the Jury and severall of the Court) it was brought to Judgem^t, which yo^r Petition^r humbly Conceaveth to be a Surprize and contrary to Law.

May it please Yo^r Exelency to Give Order for Suspending Execution of the said Judgement by Granting yo^r petitioner to have the priviledge of a Reveiu and that in . . . Convenient tyme the Case by persons unconcerned may be brought to a full heering otherwayes yo^r Petition^r may have his Estate drawn from him & squandered & abused as formerly and hee brought by another process to prosecute his wrongs uppon such as may not be able to make satisfaction and soe prosecute poverty to his Ruein

And Yo^r Petition^r as in Duty bound Shall pray &c.
Sept^r 14th 1680.

Letter of William Pardon to Captain Nicolls.

CAP^r NICOLLS

SIR after Due Respects these are to informe you that I am informed W^m Meaker is very busie Yo^rke wth S^r Edmond or other officer for Execution of the Judgem^t at Court against mee wth pretence that I am makeing away my Estate to Defraude w^h is very untrue, I beleive the designe is to cast me off from the liberty w^h the Law allowes in 14 dayes after Judgement w^h I am now about and which in two dayes or there-about have prepared my matter to Come to New Yorke about it humbly Craveing that Execution may not Come forth too hasty wh I begg you to imparte to S^r Edmond in haste Remain

Yo^r humble Serv^t,

WILLIAM PARDON.

Elizabethtowne in New Jersey Sept^r 15th 1680.

Letter from John Warren to Sir Edmund
Andros.

S^{IR}.

I doe imbolden myselfe to give you the troble of a line of two upon the rejudgt of William Meaker to give you an account of our proceedings here that we may bee the y^e better informed by your directions we have been with M^r Pardon and made demand of y^e Judgment of y^e Court which was that he should make a delivery & reposses y^e 3^d William Meaker into his Estate which he [William] Pardon hath and doth still detaine from him, but his answare was that he did not see it his way soe to doe, nor would not doe it and likewise deniese to pay Court Charges their for me. hope that you will take some speedy Course in it for me hand . . . Stayd in Expectation to here from you about it but we hope to here from you by this bearer, Soe haveing nothing else att present but my humble service to you I . . .

yours to command

JOHN WARREN

Eliz: Towne Sept: y^e 23rd 1680.

I have inclosed y^e proceedings of y^e Court in y^e Action. .

*Release of James, Duke of York, to Sir George Carteret,
(Grandson and Heir of the Original Proprietor,) for
East Jersey.*

[From Original in the Library of the New Jersey Historical Society.]

This Indenture made the tenth day of September Anno Dni 1680 ¹ and in the two and thirtieth yeare of the raigne of our Sovereigne Lord King Charles the second over England Scotland France and Ireland King Defender of the faith &c **Betweene** his Royall Highnes James Duke of York and Albany Earle of Vlster &c and brother to our

¹ From the certificate at the close, it appears not to have been signed before October 16th. Ed.

Soveraigne Lord the King of the one part And the hono^{ble} S^r George Carteret of Hawnes in the County of Bedford Bar^t Grandson and heire of the hon^{ble} S^r George Carteret late of Saltram in the County of Devon knight and Bar^t deceased of the other part ~~Wherreas~~ our Soveraigne Lord the Kings Ma^{ty} in and by his Letters Patents vnder the great Seale of England bearing date the twelfth day of March in the sixteenth yeare of his said Ma^{ty}s raigne Did amongst severall other things therein mentioned give and grant vnto his said Royall Highnes the said James Duke of York his heires and Assignes **All that** Tract of Land adjacent to New England in the parts of America and lying and being to the westward of Long Island and Manhattas Island and bounded on the East, part by the Maine Sea and part by Hudsons River and hath vppon the West Delaware Bay or River and extendeth Southward to the Maine Ocean as far as Cape May at the Mouth of Delaware Bay and to the Northward as far as the Northermost branch of the said Bay or River of Delaware which is in one and forty degrees and forty minutes of Latitude and crossing over thence in A. Straight Lyne to Hudsons River in one and forty degrees of Latitude which said Tract of land was thereafter to be called by the name of New Cesarea or New Jersey with all the lands Islands Soyles Rivers Harbours Mines Mineralls Quarryes Woods Marshes waters Lakes ffishings Hawkings Huntings and fflowings and all other Royalties profitts Com'oditys and hereditaments vnto the said p^rmises belonging or appertaineing with their and every of their app'ten'ces And All his said Ma^{ties} Estate Right Tytle Interest benefitt advantage Clayme and Demand of in and to the same p^rmisses or any part or parcell thereof and the Reverc'on and Reverc'ons Remainder and Remainders togeather with the yearely and other Revenues and profitts of the same and of every part and parcell thereof To HOLDE vnto his said Royall Highnes the said James Duke of Yorke his heires and Assignes forever to be holden of his said Ma^{ty}e his

heires and Successors amongst other the things therein granted as of his Ma^{ty}s Man'or of East Greenwich in his Ma^{ty}s County of Kent in free and Comen Soccage and not in Capite or By Knight-Service vnder the yearely Rent therein menc'oned **And Whereas** his said Royall Highnes the said James Duke of York did heretofore by severall good and sufficient Conveyances and Assurances vnder his hand and Seale duly Executed and dated the twenty third and twenty fowerth dayes of June in the sixteenth yeare of his sd Ma^{ty}es raigne for the Considerac'on therein menc'oned Grant and Convey the said Tract of land and p^mises before menc'oned to John Lord Berkley Barron of Stratton and one of his Ma^{ty}es most hono^{ble} privy Councill and vnto the said S^r George Carteret the Grandfather of Saltram in the County of Devon Knight and Bar^t and one of his Ma^{ty}es most hono^{ble} Privy Councill and their heires the said Tract of Land and p^mises before pticularly menc'oned and the Revere'on and Revere'ons Remainder and Remainders of the same **To holde** vnto the said John Lord Berkley and S^r George Carteret the Grandfather their heires and Assignes forever vnder the yearely rent of twenty Nobles sterling payable as the same is therein reserved to be payd **And whereas** vppon A partie'on made of the said whole and Intire p^mises betweene the said S^r George Carteret the Grandfather and William Penn of Warminghurst in the County of Sussex Esq^r Gawen Lowry of London Merchant Nicholas Lucas of Hertford in the County of Hertford Malster and Edward Byllyng of Westminster in the County of Midds gent: in whom the fee simple of the Lord Berkleyes moiety of all & singular the said p^mises by good and sufficient Conveyances was then Vested. The said William Penn Gawen Lowry and Nicholas Lucas and Edward Billing Did Bargaine Sell Release and Confirme vnto the said S^r George Carteret the Grandfather his heires and Assignes forever, All that Easterly part share or portion and all those Easterly parts shares and Easterly por'ons of the said whole and Intire Tract of Land and p^mises before

men'oned extending Eastward and Northward along the Sea Coasts and the sd River called Hudsons River from the East: side of A certaine place or Harbour lying on the Southerne part of the same Tract of Land Com'only called or knowne in A Map of the said Tract of Land by the name of little Egge Harbour to that part of the said River called Hudsons River which is in forty one degrees of latitude being the furthest part of the said Tract of land and p'mises which is bounded by the said River and crossing over from thence in A streight lyne extending from that part of Hudsons River aforesaid to the North-ermost branch of the aforesaid River called Delaware River and to the most Northerly poynt or boundary of the said Intire Tract of Land and p'mises now called the North partic'on Poynt and from thence (that is to say from the North partic'on Poynt extending Southward vnto the most Southerly Poynt by a Streight and direct Line drawne through the said Tract of Land from the said North partic'on Poynt vnto the said South partic'on Poynt by the consent and agreem^t of the said parties now called the Lyne of Partic'on and by them intended for the divideing and makeing A Partic'on of the said Easterly part share and Portion from the Westerly part share and Pore'on of the said Tract of land and p'mises and all and every the Isles Islands Rivers Mines Mineralls woods fishings Hawkings Huntings and fowlings and all other Royalties Governments Powers fforts ffranchises Harbours profitts Com'odities and Hereditaments whatsoever vnto the said Easterly part share and Pore'on of the said Tract of Land and p'mises belonging or in any wise appertaineing with their and every of their app'ten'ees And all the Estate Right Title Interest property clayme and Demand whatsoever of them the said William Penn Gawen Lowry Nicholas Lucas and Edward Billing and of each and every of them of in vnto and out of the said Easterly part part share and pore'on of the said Tract of Land and p'mises and every part and parcell thereof and the Rever'con and

Rever'cons Remainder and Remainders of the same and every part and parcell of the same All which said westerly part share and porc'on parts shares and Porc'ons was and were then and now is and are by the consent and Agreeing of the said partyes to the said Partic'on called and agreed from thenceforth to be called by the name of East New Jersey and is all that and only all that part share and porc'on and all those parts shares and porc'ons of the said Tract of Land and p'mises soe Conveyed by his said Royall Highnes aforesaid as lyeth Extended Eastward from the East side of the said Line of Partic'on before mentioned **To hold** vnto the said S^r George Carteret the Grandfather his heires and Assignes in severalty to the Vse of him the said S^r George Carteret his heires and assignes forever vppon which Partic'on soe made and such Conveyance soe executed as aforesaid he the said S^r George Carteret the Grandfather became seised of all that Esterly part of the said p'mises now called East New Jersey with the app'ten'ces in severalty and being soe seised about the Month of January last past dyed, whereby his said severall moyety descended to the said S^r George Carteret party to these p'sents as his Grandsonne and hire **And Whereas** since the makeing since the makeing and Executing of the said Conveyances soe made by his said Royall Highnes Vnto the said JOHN LORD BERKLEY and S^r GEORGE CARTERET THE GRANDFATHER as aforesaid and in the times of the late warr betweene his said Ma^{tie} and the States of the vnitd Provinces of the Netherlands The Armyes and Subjects of the said States gained the possession not onely of the said p'mises soe by his said Royall Highnes Conveyed unto the said JOHN LORD BERKLEY and S^r GEORGE CARTERET THE GRANDFATHER as aforesaid But alsoe of other the lands and Hereditam^{ts} which were Originally granted vnto his said Royall Highnes by his Ma^{ties} said Letters Patents herein before recited **All which** were afterwards regained from the said States or by them delivered vpp vnto his said Ma^{tie} **And whereas** his said Ma^{tie} did

by other his Letters Patents Dated the twenty ninth day of June in the six and twentyeth yeare of his said Ma^{ty}s raigne Grant and Convey vnto his said Royall Highnes and his heires forever as well the said Tract of Land and p^rmises hereinbefore recited to have been granted and Conveyed by his said Royall Highnes vnto the said JOHN LORD BERKLEY and S^r GEORGE CARTERET THE GRAND-FATHER as aforesaid as all other the Lands and Hereditam^{ts} in and by the said herein first before Recited Letters Patents granted or mentioned to be granted **And whereas** by the said severall Grants soe made by his said Ma^{ty}e vnto his said Royall Highnes as aforesaid severall Powers and Authorities are and were given and granted vnto his sd Royall Highnes his heires and Assignes to be Executed by his said Royall Highnes his heires or Assignes or by the Deputies Agents or Com^{rs} of his said Royall Highnes his heires or Assignes which are necessary as well for the Planting Peopling and improving of all and every the respective Lands places and Territoryes thereby granted and for the Transporting thither from time to time such of his Ma^{ty}s Subjects as should be willing to goe or be Transported into those parts or any of them as for the Defending Guarding and Peopling of the same as also for the well governing of the same and of all such as are and shall be Inhabiting in the same, and for the makeing Ordaineing and Executing of necessary and convenient Laws and Constituc^{ions} in order to Such Governm^t and the punishing and pardoning Offences and Offenders as occac^{ion} shall require and to nominate make Ordaine Constitute and Confirme and alsoe to Revoke discharge change and alter all and singular Governors Officers and Ministers which by his said Royall Highnes his heires or Assignes shall be from time to time thought fitt or needfull to be made Ordained apointed or vsed in the said parts or places or any of them and to doe all other things needfull and necessary for the well governing keeping defending and p^rserving the said respective places and Territoryes and of

every of them and of all such as are and shall bee Inhabiting there **Now these presents witness** that for and in consideration of A Competent sum'e of lawfull English money vnto his said Royall Highnes in hand payd and for the better Extinguishing all such Claymes and Demands as his said Royall Highnes may any wise have of or in the p'mises aforesaid now called **East New Jersey** or any part of them and for the further and better setting Conveying Securing and Confirring . . . same and of every part thereof according to the purport and true meaneing of these p'sents **His said Royall Highnes** the said James Duke of Yorke hath **Granted** Bargained sold and Confirmed and by these p'sents doth grant bargaine sell and Confirme vnto the said S^r George Carteret party to these p'sents his heires and Assignes **All that** part share and portion and all those Parts shares and Portions of all that Intire Tract of Land and all those Intire p'mises soe granted by his said Royall Highnes vnto the said John Lord Berkley and S^r George Carteret the Granfather and their heires as aforesaid as in by and vpon the said Partic'on was and were vested in the said S^r George Carteret the Grandfather and his heires and then agreed to be called by the name of East New Jersey together with all Islands Bayes Rivers waters fforts Mines Quarryes Royalties franchises and appten'ces whatsoever to the same belonging or in any wise apptaineing and all the Estate Right title Interest Revert'on Remainder Claine and Demand whatsoever as well in Law as in Equity of him the said James Duke of Yorke of in vnto or out of the same or any part or parcell of the same as also the free vse of all Bayes Rivers and waters leading vnto or lying betweene the said p'mises or any of them in the said parts of America for Navigation ffree Trade ffishing or otherwise **To have and to hold** vnto the said S^r George Carteret Party to these P'sents his heires and Assignes forever to the onely vse and behoofe of him the said S^r George Carteret his heires and Assignes forever **Yeilding and paying** therefore yearely for the said

whole Intire p'mises vnto his said Roall Highnes his heires and Assignes the yearely rent of tenn Nobles of lawfull English money at or in the Middle Temple Hall London at or vppon the feast day of S' Michaell the Arch-Angell yearely. **And these presents further witness** that for the better enabling the said S^r George Carteret party to these p'sents his heires and Assignes to Improve and plant the said p'mises with People and to Exercise all necessary Governm^t there whereby the said p'mises may be the better Improved and made more vsefull to him his heires and Assignes and to the Kings Ma^{ty}: **His said Royall Highnes** hath likewise given granted Assigned transferred and doth by these p'sents give grant Assigne and transfer vnto the said S^r George Carteret party to these p'sents All and every such the same Powers Authorityes Jurisdictiones Governments and other matters and things whatsoever which by the said respective Recited Letters Patents or either of them are or were granted or intended to be granted to be Exercised by his said Royall Highnes his heires Assignes Deputyes Officers or Agents in vppon or in Relac'on vnto the said P'mises hereby Confirmed or intended to be Confirmed and every of them in case the same were now in the actual seizin of his said Royall Highnes, **To be held** enjoyed exercised and Executed by him the said S^r George Carteret party to these p'sents his heires and Assignes and by his and their Deputyes Officers Agents and Commissioners as fully and Amply to all intents constructions and purposes as his said Royall Highnes or his heires might could or ought to holde Enjoy vse Exercise or Execute the same by force and vertue of the said severall and respective before Recited Letters Patents or either of them or of any thing in them or either or any of them contained or otherwise howsoever **In Witnes** whereof the Parties to these p'sents have herevnto Interchangeably sett their hands and Seales the day and year first above written

JAMES

May it please yo^r Royall Highnes
 This conteynes A Confirmac'on and release
 to S^r George Carteret Baronet and his heires
 of his Moyty of New Jersey In the Parts of
 America, In the same nature as is already
 Granted confirmed and released to M^r Bil-
 ling and others and their heires of the other
 Moyty 16 Octobris 1680

This is a Cobby of y^e Original Signed by
 S^r GEORGE JOEFFRYES

[On the back.]

Sealed and delivered in the p^rsence of
 JO WERDEN
 HARREY LANGDON

Sir John Werden to Governor Andros.

[From "New York Colonial Documents," Vol. III., p. 286.]

SIR

S^t James's 6 Nov^r (80)

I presume you will have heard already y^t his R^h H^s in
 obedience to his Ma^{ty}s co'mands is gone againe into Scot-
 land, but y^t before he went he was pleased (upon such
 advice as he relyed on) to confirm and release to the Pro-
 priet^{rs} of both moytys of New Jersey, all there and his
 right to any thing (besides y^e rent reserved) w^{ch} heeretofore
 may have beene doubtfull, whether as to governem^t or
 publique dutyes in or from y^e places within their graunts.
 And though I believe y^e Deeds y^mselves (respectively)
 wⁿ produced to you, will enough satisfy you in this matt^r
 yet I thinke it convenient herein to give you notice of y^m
 to p^rvent as much as in me lyes, any doubt of y^e validity
 thereof, or there having beene surreptitiously obtayned
 or any oth^r inconvenience y^t may happen either to you, or
 y^e Propriet^{rs} for want of such intimac'on. I am &c

To S^r EDM^d ANDROS Kn^t &c

*Proclamation from Governor Carteret Against the
Authority of Sir Edmund Andross.*

[From "Grants and Concessions," p. 685.]

THIS is to give Notice to all to whom it shall concern, that I have received an Order in a Letter from the Right Honourable the Lady *Elizabeth Carteret*, bearing Date Month *September* 1680, (who is left sole Executrix, and Guardian to the Heir of Sir *George Carteret*, Lord Proprietor of this Province) with an absolute Command not to take Notice of any Commissions, Warrants or Orders from Sir *Edmund Andross*: And I am also further Commanded to tell you, that you bring in your Charges and Damages, Sir *Edmund Andross*, hath put this Province to in the Usurpation of the Government; for his Royal Highness being acquainted with his illegal Actions, in usurping the Government of *New-Jersey*, doth deny that ever he had any such Orders from him or done by his Consent; but on the Contrary the Lord Proprietor should have all right done him in the Enjoyment of the Province and the Government thereof; and that his Royal Highness would not in the least derogate from what he had granted to Sir *George Carteret*, and doth wholly disown and declare that Sir *Edmund Andross* had never any such Order or Authority from him for the doing thereof. And whereas I am informed that some Officers of *New-York*, do intend to persist and keep Courts by Virtue of Sir *Edmund Andross* illegal Actions, which will tend to the great Disturbance of the King's Peace, and detriment to the Lord Proprietor's Interest, and the publick Welfare of the People here settled under him: These are therefore to will and require all Persons not to obey, abett or assist or have any Thing to do in such Courts, for there shall be an Assembly forthwith convened and Officers chosen in due Time: Therefore let none presume to Act any further by Sir *Edmund's*

Orders or Commissions or any deputed under him, as they will answer the Contrary at their Perils. Given under my Hand and Seal, at *Elizabeth-Town*, in the Province of *New-Jersey*, this second Day of *March*, 1680.¹

*Sir John Werden to Governor Andros.*²

[From "New York Colonial Documents," Vol. III., p. 286.]

Edinburgh 12th May (81)

SIR [Extract.]

I have already written to you touching the grants of New Jersey from y^e Duke and M^r Pen's pattent from y^e King (of Pensilvania) the Boundaries of w^{ch} towards New Castle y^e Duke assents to, and it will be convenient that you give notice of all to yo^r officers in New Yorke and New Castle. But without doubt all settlements already made in those parts ought to hold good, untill new laws be made by consent of their Assemblies (w^{ch} I think M^r Pen hath authority for ;) but I presume y^e Lords Com^{rs} for Trade hath taken care to preserve y^e rights of men in possession, or else it is a point ought yet to be thought of by y^m ; for the Dukes authority there will not be sufficient to controule M^r Pen's pattent. As for y^e Islands in Delaware river, it is best to observe well the grants, as I take M^r Pen's is bounded by the shoars of Delaware river on y^e East, by w^{ch} Islands seeme excluded out of his patent, if they lye out in y^t open river, and may still belong to New Castle, and soe alsoe for those y^t the Quakers of New Jersey may pretend to ; but in both these cases the graunts alone must determine y^e matter, w^{ch} you may be there well advised upon, for here they are not, neither can we Judge soe well as our lawyers. I wish you good health, and remain &c

To Sir EDM^d ANDROS Kn^t &c

¹ 1680-81.

² As Sir Edmund left New York in January for England, this letter could not have been received by him in America. ED.

Sir John Werden to William Penn.

[From "New York Colonial Documents," Vol. III., p. 290.]

Edinburgh 16 July (81)

SIR [Extract.]

As to yo^r fresh proposition to y^e Duke repeated in y^e last l^re viz^t that his R^l H^s would conferr on you y^e rest of w^t he possesseth in and about New castle on Delaware River, und^r certaine condic[']ons and limitac[']ons, such as you thinke fitt to offer: I told your friends yⁿ, w^t I now repeate to you, y^t the Duke was not pleased to come to any resolution as yet in y^t particular, and I doe not find y^t His R^l H^s hath altered his thoughts therein.

Yo^r last request, for a lett^r to the Govern^t of New Yorke y^t you may have quiet possession is in effect already answered and graunted: But whereas you menc[']on in y^e l^re, isles y^t lye about Newcastle in Delaware River, I must take notice to you y^t y^e is quite a new proposall, having (as I believe) never heard you menc[']on Isles (in y^t river) till now neither had I ever any comands from y^e Duke touching the passing of y^m to you. But all along have believed y^t the River itsel^fe (that is y^e shoare of it) was to be your East Boundary, and I believe you will find the words of your pattent y^t describe your Boundaries to import noe more, soe as if any gen^l words afterwards have isles inserted amongst y^m 'tis w^t I cannot say any thing for, neither can I Judge how far such an enumerac[']on of particulars can include any more then y^e gen^l Boundaries doe

To W^m PENN Esq^r &c

Letter from Governor Carteret and Council to the Governor of New York and His Council, Referring to the Ownership of Staten Island.

[From "East Jersey Records," Vol. II., Liber 3, p. 171.]

BY THE HON^{BLE} PHILLIP CARTERET ESQ^R Governor of the Province of East New Jersey under the Right Hon^{BLE} the Lady Elizabeth Carteret Sole Executrix to the Right Hon^{BLE} Sir George Carteret Kn^T & Bar^T Deceased Late Lord Proprietor of this Province and his Council

To the Hon^{BLE} the Governor or Commander in Chief of all his R: Highness Territories in America at New York and his Council there.

WHEREAS I have an order to Lay Claime to Staten Island as property and Justly belonging to the Lord Proprietor his Government and Jurisdiction of this Province and doth Appaere by his R. Highness Grant under his hand and Seale bearing date the 10th day of 7temb. 1680. *Wherefore* these are in the Lord Proprietors Name and by Virtue of the said Grant to demand of you the Surrender of the s^d Island unto me with the Quiet possession thereof, and that your Selfnes or any other persone by your Authority doe forbear the Expressing eny Command Authority or Jurisdiction within the said Island in which I doe Expect your Speedy answer & Compliance—Given under my hand and Seale the 22^d July 1681

The Letter to Cap^T Anth: Bracket [Brockholls] Deputy

Govern^r & Commander in Chief of New York Govern^{mt}

S^r According to my Order I have sent to M^r La Prairie & M^r Bollen to Demand the Surrender of Staten Island into my Possession and Government as of Right belonging unto S^r George Carteret Lord Proprietor of this Province as you may See by y^e Copy of His Royal Highness Grant Sent you by them Concern^d which pray Let me have your Speedy Answer Resolution and answer

Yo^r humble servant

PH: CARTERET

*Proclamation of Governor Carteret to the Inhabitants of
Staten Island.*

[From "East Jersey Records," Vol. 11., Liber 3. p. 171-2.]

BY THE HON^{BLE} PHILLIP CARTERET ESQ^R Governor of the Province of East New Jersey under the Right Hon^{BLE} the Lady Elizabeth Carteret Sole Executrix to the Right Hon^{BLE} Sir George Carteret Kn^T & Bar^T Deceased Late Lord Proprietor of this Province.

WHEREAS Staten Island doth of right belong to the Province of East New Jersey as doth appeare of His R. Highness the Duke of York Deed of Grant under his hand & Seale bearing date the 10th of 7temb. 1680. but hath been detained by Several of the Governors under his R. Highness, Contrary to all Law & Equity and having now a Speciall order from the Lord Proprietor to demand the same These are in his Majesty's Name to will and require you the Magistrates Officers and Inhabitants of the said Island to forbear Yielding any Obedience to the Government or Jurisdiction of New York, Or to doe or Act any

thing by their Authority or Command and receive your Commissions Orders and Instructions from me your Lawfull Governor as you will answer the Contrary at your P'rills. Given under my hand and Seale the 22 July An^o Dom^o. 1681

A large, elegant handwritten signature in black ink, which appears to read "Philip Carteret". The signature is written in a cursive style with a prominent flourish at the end. Below the main signature, there are several smaller, less distinct scribbles or initials.

*Captain Anthony Brockholls, of New York, to Governor
Carteret.*

[From "Grants and Concessions," p. 686.]

Capt. Carteret

New York, July, 26th, 1681.

I This Day received several Papers from you by Mr. *Bullen*, and *Laprey*, which have been shewn and read in

Council, but find no Power thereby for you to Act in, or assume the Government of *New-Jersey*, and till you pursuant to our former Orders and Resolves in Council, and your Parole to me, produce and shew a sufficient Authority, you are and I do hereby require you to desist Acting in any publick Capacity, and remain

Your Friend and Servant,

ANTHONY BROCKHOLLS.¹

Governor Carteret to Captain Brockholls.

[From "Grants and Concessions," p. 687.]

Elizabeth-Town 28th July, 1681

Capt. *Brockholls,*

SIR, I have received yours of the 26th Instant, by Mr. *Bullen*, and Mr. *Laprrery*. I have a Power sufficient to Act as Governor of *East New-Jersey*, and am no more bound to give you and your Council an Account thereof, then you are obliged to give me an Account of yours: When you do produce to me by what legal Authority you are so confident to controul my Proceedings, I will shew you mine to contradict it. In the mean Time I will send your uncivil Auswer for *England*, where your late Governor and his Councils unjust Proceedings, are already disowned by your Master, and condemned to be illegal by all in General. I did send you a Copy of his Royal Highness Grant attested by the Secretary of this Province, of which you seem to take no Notice of, nor of my demand of the Surrender of *Staten-Island* unto me, by which I conclude a denial, I remain

Your Friend and Servant,

PH. CARTERET.

¹ Anthony Brockholls was left by Governor Andros in charge of the Government of New York, on leaving for England, in January 1681. Ed.

Governor Carteret to Lady Elizabeth Carteret.

[From "Grants and Concessions," p. 687.]

MADAM,

YOUR Honour will see by the inclosed Letter of Capt. *Brockholls*, Commander in Chief of *New-York* Government, under his Royal Highness, the Answer to mine and the Councils demand of *Staten-Island*, which is as much your Honour's due as any other Part of this Province, with my reply unto it, by which your Honour will understand the continuance of their Obstinaey and unjust Proceedings, which if not taken off by his Royal Highness and punished in Sir *Edmund Andross*, now you have him in *England*, we shall never be at quiet. The last Week the Council and General Deputies of the Assembly did meet for the Settlement of the Country, at which Time they all unanimously voted and concluded, that Sir *Edmund Andross*, and Abettors, Proceedings against this Government was illegal; some other small Things was done, which your Honour shall have account in due Time; and so adjourned to the Month of *October* next. The Ship is just a going to set Sail, and have not Time to add more, than that

I am Madam

Your most humble and faithful Servant

[July 30th, 1681.]

PH. CARTERET.

Sir John Werden to Sir Allen Apsley, Knight.

[From "New York Colonial Documents," Vol. III., p. 291.]

Edinburgh 8 Augst (81)

SIR [*Extract.*] I send you here inclosed (by the Dukes co'mand) a copy of a l're w^{ch} I rec^d on last Saturday night late (w^{ch} the Duke hath seene) as alsoe the inclosed from y^e Duke for Lieuten^t Brockholls. In case you (wth L^d Hyde and Co^{ll}: Ligge and w^m else you please, but especially

y^e Dukes Councill or other able advice in Law) shall approve of its being sent, and then it is to be dispatched away by the first opportunity. But if you thinke it not fitt to be sent, then the Duke expects you should assoone as possible send him all yo^r opinions, w^t is fitt for him to doe in this matter. You may remember how often you have heard w^t the consequences would be of y^e late releases to y^e Quakers and S^r Geo. Carterett of New Jersey, viz^t the certaine losse of the trade and revenue of New Yorke, and (though at p^rsent y^e losse seemes a little hastened by the oversight of the Offic^{rs} of the Customes or scruples of y^e Lienten^t there) I believe you will find y^e inconvenience could not be long prevented. For supposing it to be in y^e Dukes power lawfully to impose Customes for the future (w^{ch} in compliance to S^r W^m Jones his opinion, I begin to doubt) as not haveing any stronger reasons to believe it now then those w^{ch} he overruled; yet it is most probable if the Duke doe make use of y^t legall authority, it will in a short time be of noe other effect yⁿ to ruine New Yorke by driveing all the inhabitants from thence, only crosse y^e river to New Jersey where they may trade freely without being lyable to any such publique paym^{ts}

I am &c

To S^r ALLEN APSLEY Kn^t Treas^r and Rec^r Gen^l to his R^l H^{ss}

*Proceedings of the Governor and Council, and the
Assembly of New Jersey.*

[From "New York Colonial Documents," Vol. III., p. 293.]

A Cobby of the Proceedings of the Governo^r Councill and
Assembly att a Court held att Elizabeth Towne in
New Jersey from Octo^r the 19th to November 2^d 1681.

Wee the Representatives desire to bee informed whether
wee are to look upon the late Grant from the Duke to the
Proprietors as the Foundacon of our Governm^t Octob^r the
19th 1681

SAM^{LL} DENNIS Cl. to the Dep^{es}

The Answer.

The Pattent from the Duke of Yorke to the Proprietors upon which or Concessions are grounded settts forth the foundacon of our Governm^t as you have been confirmed und^r his Mat^{ies} owne hand and wee well hoped that none of the seed sowne by S^r Edmond Andross had taken soe deep a roote as that any of the Dep^{ts} of this Province should att this time question the foundacon of or Governm^t unlesse they would improue their small Tallant to Justifie S^r Edmond Andross his acc^{ions} wherefore we desire in the prosecution of yo^r Dutyes that you would fall upon something that may be for the good of the Province

By order of the Governo^r & Councell 19th Octob^r 1681

JA: BOLLEN Sec^r

A true copy with y^e originall by me

SAM^{LL} DENNIS Cler. to the Deputies.

To the Deputies

In answer to yo^r Reply. In soe much as you have disputed the basis and foundacon of our Governm^t, we think itt convenient to haue a committee appointed of 3 or 4 of this house and as many of yo^{rs} to debate and remove these Scruples whereby there may be a good understanding between us. To be this afternoon.

By Ord^r of the Governo^r & Co^{ll}

Octob^r 20. 1681

JA: BOLLEN Sec^r

October the 20th 1681 A Committee appointed by the House of Debate the matter relateing to the aboue written as nanely Cap^t John Bowne Speaker of the house, M^r Tho: Johnson, M^r Edward Slaughter, M^r John Elsby, *Resolved* that the Concessions graunted by the Lord John Berkly and S^r George Carterett Bareing Date the 10th feb 1664 to all such persons as are or shall become ffreehold^{rs} in the Province of New Jersey is to be taken according to the Letter wthout any Interpretacon whatsoever

Octob^r 20th 1681

SAM^{LL} DENNIS C^l to the Dep^{ts}

A Reply to an Answer of a Quere made by this
house to the Governo^r and Councill

Wee intended no more than a Right Understanding as necessary to a Right Proceeding what cause or suspition to the Contrary we know not. Wee hoped those scruples had been removed the Last meeting therefore desire all Reflecting Expressions may be forborne as not tending to Peace. Octob^r 20th 1681

SAM^{LL} DENNIS C^l to y^e Dep^{tes}

To the Deputies

In answe^r to yo^r Bill of the 20th Instant wee Desire to bee informed what Misinterpretac^ons wee haue putt upon all or any parte of the Concessions granted by the Lord Barkly and S^r George Carterett October the 21st 1681

By ord^r

JA. BOLLEN Sec.

Wee the Representatiues of the Inhabitants of this Province being Informed of the many Encroachm^{ts} made upon the Concessions bareing Date 10 feeb 1664 by Interpretac^ons Contrary to the Litterall Sence of the same tending to the subversion of the Priviledges of the Inhabitants more Espetially a Certaine Paper called A Declaracon of the true Intent and Meaneing of us the Lords Proprietors and Explanac^on of their Concessions made to the Adventurers and Planters of New Cæsarea, or New Jersey, Dated the 6th Decemb^r 1672 and pretended to be signed by John Lord Barkely and S^r George Carterett.

Resolved that the said Paper is a Breach of the Concessions under the Pretence of w^{ch} certaine persons have presumed to Act to the greate prejudice of the Inhabitants here settled. 21th Octob^r 1681

SAM^L DENNIS Cl. to the Dep^s

For the Dep^{tes} 21 Octo^r 1681

To yo^{rs} of this Instant. this signifies that you haue been Informed of many Encroachm^{ts} made upon o^r Concessions

by a Certain Paper pretended to be signed by Lord John Berkley and S^r George Carterett. In case any such Encroachm^{ts} be made upon our Concessions by virtue of a Paper pretended to be signed as abovesaid wee Desire to be fully informed thereof both as to the Encroachm^t and the persons that have Encroached

By the Ord^r of the Councill J.A. BOLLEN Sec.

The House Adjourned 'till 22th Octob^r to Eight of the Clocke. Octob^r 22th att Eight of the Clocke the house mett.

To o^r hono^r Governo^r and his Councill Octob^r 22th
1681

In answer to yo^r last of the 21th of Octob. 1681 in order to giuing you a full understanding of the Matter in Debate wee desire a Committee may be chosen out of both houses 4 or 5 of each to meete either this Present Instant or Munday next as you shall see Best

SAM^l DENNIS Cl. to y^e Dep^{ts}

For the Deputies 22 Octob^r 1681

In answer to yo^{rs} of this Instant wee doe appoint Monday next Betweene 11 or 12 of Clock to Debate the Matter in Controversey betweene 3 or 4 of the memb^{rs} of Each house

Wee haue adjourned o^r meeting till the time abovesaid
By Ord^r of y^e Governo^r and Councill

J.A. BOLLEN Sec.

This house desolved into a Comittie to Debate the matt^{rs} above expressed. the Comittie are namely Cap^t John Bowne Speaker of the house M^r Tho Johnson, M^r Edward Slater, M^r John Curtis,

This house Adjourned to tuesday 25th Octob^r

Tuesday spent in debates betweene the Comittie and Obteyning a Copy of Directions Instructions and Ord^r &c

Wee the Representatiues haueing perused and well weighed the Directions, Instructions and Ord^m of the Lord Proprietors in order to a Declaracon by him made of the true Intent and meaning and in Explanac'on of severall articles of the Concessions formerly made by him and the Lord Barkely bareing Date the 10th ffeb 1664 doe finde that they are in many partes contradictory to the said Concessions and Prejudiciall to the Power and Priuiledges of the Generall Assembly and people. Wee doe therefore desire and Expect that the same may be made voyd and of none effect Octob^r 27. 1681

SAM^{LL} DENNIS Cl. to y^e Dep^{ties}

To the house of Dep^{ties} Octob^r 27th 1681.

In yo^r of Even Date you signifie that you have well weighed the Instrum^t of Directions, Instructions and Ord^m of the Lord Proprietors as alsoe a Declaracon of the true Intent and meaneing, and an Explanac'on of severall articles of the Concessions formerly made by John Lord Berkly and S^r George Carteret bareing date the 10th ffeb. 1664 further adding that you finde they are in many partes contradictory to the said Concessions and Prejudiciall to the Power and Priviledge of the Generall Assembly for Answer wee well know that the Generall Assembly doth not consist of you the Dep^{ties} alone wisdome is Justified of her Children and teacheth men wherein they stand distinct to anwer for themselves and not for the whole, you further add that you desire and expect that the boddy of the said Instrum^t should be made void as you have had the benefitt of reading as well as weighing (as you say) the said Instrum^t. If you had alsoe had the Benefitt of understanding, you would neither have desired nor Expected the same to be made voyd,

By Ord^r of the Governo^r and Councill

J. A. BOLLEN, Sec.

Adjourned to ffryday 28th Octob^r att Eight a Clock

THAT WHEREAS wee the Representatives now assembled haveing made o^r applicac^on to the Governo^r and Councell for the Abolishing of an Instrum^t of writeing Endeavoured to be obtruded upon the Inhabitants of this Province intituled Directions, Instructions and Ord^{rs} of the Lord Proprietors in order to a Declarac^on by him made of the true Intent and meaneing and an Explanac^on of severall Articles of the Concessions made by the Lord John Barkely and S^r George Carterett bareing date the 10th day of febr 1664. Wee haneing maturely and Dilligently Examined the same doe finde them in many partes contradictory to the said Concessions abating the power of the Assembly and by that meanes infringing the freedomes and Priviledges of the People the Governo^r and Councell instead of Returning a positive Answer thereunto doe reflect upon the Ability and understanding of the Deputies and thereby implicitly Denied the same, Wee are therefore Necessitated in pursuance of the trust reposed in us to make this o^r Protestac^on against the said Directions Instructions &c and Doe hereby declare the Inhabitants of this Province not obliged to conforme y^mselves thereunto.

Octob^r 28th 1681

SAM. DENNIS Cl. Dep^{ts}

To the house of Dep^{ts}

According to the 10th article in the Power granted to the Generall Assembly by the Concessions and to the end no Eneroachm^t or Contradic^on may be putt upon the said Concessions wee doe hereby minde you what the said Concessions require (to wit) that Provision be made for a Competent supply for the Maintainance of the Govern^r and Governm^t and the paym^t of the Lord Proprietors Quitt Rent that are in Arreares and unpaid as by a Paper formerly sent you by the Secretary and not answered nor yet no returne of the Petic^on Exhibited by the Inhabitants of Bergen it is Desired that some speedy Course may be taken by answering the premisses with Effect

By ord^r of the Governo^r & Coun^{ll} JAS. BOLLEN, Sec

To the Deputies 29 Octob^r 1681

In Yours of the 28th Currant you desire to be informed of the matter to be Debated on for answer the designe of the intended debate is that if possible whatsoever obstructs the accomplishment of the Well Settling the Affaires of this province may be Removed by a Debate of the Generall Assembly By ord^r of the Governo^r and Councell

J.A. BOLLEN Sec.

To the Govenor and Coun^{ll}

Wee cannot Perceve by yo^{rs} Ditto the matter to be Debated on Therefore Desire to know the Particulars: Octob: 29. 1681

SAM^{LL} DENNIS Cl. Dep^{ts}

To the Deputies 29th Octob^r 1681

In yo^{rs} of Even Date you desire to know the perticulars intended to be Debated in a Committe of the whole Generall Assembly had there been only perticulars to haue been debated a Comitte of less number then the whole generall assembly might haue been sufficient to haue Debated the same but doubtlesse the generall Concernes of the whole Province (as is fully submitted to you in our last) Requires a Debate of the Generall Assembly and to the End wee must stand cleare from the Guilt and Imputac[']on of others offences wee desire that a generall Debate of the whole Assembly may be forthwith had.

By Ord^r of the Governo^r & Councell

J.A. BOLLEN Sec.

To the Dep^{ties} 29th Octo^r 1681

Yo^{rs} of the 2th [29th ?] Currant wee Received, for answer we understand by the 6th Article In the Concessions that the Lord Proprietors did reserve unto themselves and their heires &c full and also late power to make Interpretation or Interpretac[']ons, Explanac[']on or Explanac[']ons and Alterac[']on of the severall Articles in the said Concessions and

- alsoe to issue forth Directions and Instrucc'ons to be putt in Execuc'on att pleasure and yett noe Abatem^t of the
- Legall Power granted to the generall Assembly nor infringing of the Liberty and Priviledge of the people as is ignorantly alleadged for that where a graunt is made under Limitac'on and proviso what is thereby restrained is absolutely Reversed to the said Proprietors and their heires &c and that there is such a Limitac'on and Proviso in the said Concessions or Grant it will plainly appeare by the said 6th Article Relac'on thereunto being had, and it is matter of lamentac'on that the Representatiues of this Province should be soe shorte sighted that they cannot see that he which runnes may Read

By Ord^r of the Governo^r & Councill

J.A. BOLLEN Sec

To the Governo^r & Councill

In Answer to yo^r last P^rsented from yo^r Hono^{rs} of Even date that the fore part there asserted relateing to the 6th Article is soe ffarr from Reason and Justice that being loath to declare a want of truth wee will rather conclude a want of due considerac'on and understanding thereof, and that the foresight of the Inquisitors and Contrivers of this your last returne did want a true prospectiue clearly to perceiue what is legally to be concluded for the proprietors Interest and Common Good of the Inhabitants, Therefore we the Deputies for the Country are resolved to abide and stand by the Protest already presented, and without feare hazard the menaces o^r members mett wth from your house, rather then betray the trust reposed in us for the publique

SAM^{LL} DENNIS Cl. to the Dep^{ties}

Octob^r 29th 1681

To the Deputies 29th Octob^r 1681

About 12. of the clock this present Day two of yo^r members delivered a message from you to this board, to witt, that you would haue us appoint a time and place for the

Convenience of the Generall Assembly to the end the whole might be dissolved into a Committie to debate the publique Affaires of this Province And wee returned for answer that about two of the clock this present afternoone wee would be att the place ready to provide [proceed?] upon the intended debate and your said members promised in yo^r behalfe that you should obserne the time and place the which hath not been performed had wee men to doe withall that haue regard to their Promise it would be a happinesse both to us and the Province you may doe well to call it to mind that as you have the shape of men you should acknowledge your Error and doe yourselues and the Contrivers of the Breach of the said promise and the whole Province soe much right as to Joyne in a Debate to be held by a Committie of the whole Generall Assembly upon Munday next by 10 a Clock of the same day to the end that every member of the Generall Assembly may see with his owne eyes and here with his owne Eares the things that concerned the present bleeding condicon of the whole Province to which time wee haue adjourned.

By Ord^r of the Governo^r and Councill

Octob^r the 31st 1681

J. A. BOLLEN Sec

To the Governo^r & Councill.

The stop intended in the 6th Article can be no Relative to the antecedent freedoms and Immunities for it cannot in reason presumed that the Governo^r Councill and Assembly (who haue power to make such stop as well as the proprietor) would infrienge the power of them Wherefore the said stop or Contradic^on can be a relative to no other then the persons menc^oned in the said article with refference to Dutchmen thereby to prevent too many of them to be admitted amongst us (New Yorke Governm^t being most settled by them) whereby they might in time be to strong for the English and and soe revolt from the English Governm^t

Should the stop aforesaid haue refference to the free-

domes and immunities yet it cannot deprive any persons of these freedoms and Immunities that wer settled before such stop was made and soe consequently there must be two Governo^{rs} one for such as came before such stop and another for those that came after. Be all this granted yett the Dep^{ties} that now are assembled are appointed by those that have been settled before such stop came and therefore may not be deprived of their freedoms &c. The Lords would likely neuer haue had a thought of such Contradiction of themselves had it not been a bratt begotten in New Jersey sent for England to be borne and Retransported to New Jersey to be fed with the groanes and Oppressions of the People

SAM. DENNIS Cl to the Dep^{ties}

To the Deputies.

This is to reminde you of what the Concessions enjoyes you to doe and you are desired nott to omitt doeing what y^e Concessions requires to be done as in the tenth article relacon thereunto being had by act to make Provision for the Governo^r and Governm^t and by act to require every respectiue constable in his constableree to collect, gather and receeve the Lord Proprietors Quitt Rent, and pay the same to the Generall Receiver without charge to the said Lord Proprietors it is expected that you should comply with the said 10th Article in the said Concessions or forthwith shew cause to this Board to the Contrary

By ord^r of the Governo^r & Councill

JA: BOLLEN Cl.

To the Governo^r & Councill.

In answer to yours of the 31th Octob^r it is the Opinion of this house that wee are now about ours and the Countreyes businesse every thing is beautifull in his season this house expects that those Acts already before you should be passed and returned back to this house. Novemb. 1. 1681

SAM^{LL} DENNIS Cl to Dep^{ties}

Novemb^r the 2: 1681. Came in person to the house of Deputies assembled by the Governo^r writt dated 11 July 1681 Cap^t James Bollen, Cap^t Henry Greenland, M^r Sam^l Edsall; then and there Cap^t Bollen did declare that he the said Bollen by ord^r was to desire you the whole house of Dep^{ties} Immediately to go allong with him the said Bollen to the Councell Board.

Cap^t John Bowne Speaker to the house of Deputies replied wee desire to consider of it a little. Upon said Reply Cap^t Bollen Immediately declared he had ord^r from Governo^r and Councell to declare this Pretended house of Deputies be Dissolved and you are hereby Dissolved also the said Bollen declared he had Order to leaue with the house of Deputies a Certaine Paper which accordingly he the said Bollen left upon the Dep^{ties} Table which said Paper next ffolloweth upon Record.—

Province of East New Jersey To the Dep^{ties} the 1th
of Novemb^r 1681.

By the Governo^r & Councell

Yo^r of Even Date lyes before us wherein you assume to yo^rselues the title of the generall assembly, the truth is if you were all persons quallified for Dep^{ties} yett true wisdom would teach you better manners then to stile Yo^r selves the Generall Assembly. Doubtlesse there was no want of Ignorance and Disloyalty where this Bratt had its educac'on insomuch as that the generall assembly consists of the Governo^r Councell and Deputies ergo the Deputies no generall assembly, it was Lucifers Pride that putt him upon settling himselfe where God never intended to sett him and his Presumption produced or was forerunner of his fall; you sett yo^rselues where the Lawes of England nor yett the Concessions of this Province never sett nor intended to sett men that are but in private Capacity, as upon Examinac'on many of you will proue to be; to the Point of Quallificacon for that by the Law of England every mann quallified to Elect or to be Elected must swear

to be leagally seized of an Estate in ffee of fferty shillings p'annum, besides reprisalls in the same Countey where he claimes his Priviledge and by o^r Concessions to be leageally and actually seised of a ffreehold Estate by virtue of a Pattent from the Lord Proprieto^{rs} and the same recorded in the Secretarye's office, and some of you haue confessed and it will appeare that there are some persons amongst you not Quallified accordingly and therefore butt men in priuate capacity and not the men intended by the writt of summons. But wee being in a measure unacquainted with yo^r Present Quallificac'ons which now upon enquiry is made too apparent unto us haue Exchanged some notes with you and in your last sent to us you say that you cannott answer ours wherein wee put you in minde of what the 10th Article in the Concessions enjoyned you to doe but say you are about yo^r owne businesse and the Contryes, you pretend to be men in Publick Places butt declare in plain words you are first for yo^r private End and then for the Contryes. Private Spiritts in men in publique employ^{mt} are the Jewels that addorne yo^r breasts as is und^r the hand of the Clarke of the pretended Gen^l Assembly. Every thing being beautifull in its season and soe we bid you fairewell

By Ord^r

JAMES BOLLEN Sec

Upon the pretended Resolution of the House of Deputies by Cap^t Bollen sitting at Elizabeth Towne Novemb^r the 2th 1681

The House of Deputies, with one Consent did protest against the said Disolution as being contrary to the Concessions and an Innovac'on of the Governm^t Protest was Immediately made by ord^r of the house

S^{AM}^{LL} DENNIS Clerke

A true Cobby with the Originall,
Endorsed Proceedings of the Governor Councell and Assembly att Elizabeth Towne in New Jersey from y^e 19th Octob^r to y^e 2^d Novemb^r 1681

*Lease from Elizabeth, Widow of Sir George Carteret, and
His Trustees, to the First Twelve Proprietors of East
Jersey.*

[From Original in Library of New Jersey Historical Society.]

This Indenture made the first day of february in the ffour and Thirtieth yeare of the Raigne of our Sovereign Lord Charles the second by the Grace of God of England Scotland france and Ireland King Defender of the faith &c Annoq Domini 1681 ¹ Between the Right Hon^{ble} Dame Elizabeth Carteret the Relict and sole Executrix of the last Will and Testament of the Right Hono^{ble} S^r George Carteret Knight and Baron^t Deceased, the Right Hono^{ble} John Earl of Bath, the Right Hono^{ble} Thomas Lord Crew Baron Crew of Steane, the Hono^{ble} Bernard Greenville Esq^t Brother to the said Earl of Bath, the Hono^{ble} S^r Robert Atkins Knight of the Bath, the Hono^{ble} S^r Edward Atkins Knight, one of the Barons of his Ma^{ties} Court of Exchecquer, Thomas Pocock of the parish of S^t Andrews Holborne in the County of Middx Gentl. and Thomas Cremer of the same, Gentl, of the one part And William Penn of Worminghurst in the County of Sussex Esq^t Robert West of the Midle Temple London Esqr, Thomas Rudyard of London Gentl. Samuel Groome of the parish of Stepney in the County of Middx Mariner, Thomas Hart of Enfeild in the said County of Middx Merchant, Richard Mew of Stepney aforesaid Merchant, Thomas Wilcox of London Goldsmith, Ambrose Rigg of Gatton place in the County of Surry Gentl, Thomas Heywood Cittizen and Skinner of London, Hugh Hartshorne Cittizen and Skinner of London, Clement Plumsteed Cittizen and Draper of London, and Thomas Cooper Cittizen and Merchant-Taylor of London of the other part Witnesseth,

That the said Earl of Bath, Lord Crew, Bernard Greenville, S^r Robert Atkyns and S^r Edward Atkyns by and with the Consent and direction of the said Dame Elizabeth Carteret Testified by her being a party to these presents, and signing and Sealing the same, And the said Thomas Pocock and Thomas Cremer by and with the Consent and direction of the said Dame Elizabeth Carteret, John Earl of Bath, Thomas Lord Crew, Bernard Greenville, S^r Robert Atkyns and S^r Edward Atkyns testified, as aforesaid for and in Consideration of the summe of five shillings of lawfull money of England to them some or one of them, in hand paid by the said William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper at and before the sealeing and Delivery of these presents the receipt whereof they doe hereby acknowledge, Have Granted, Bargained and sould, and by these presents do Grant, Bargain and Sell to the said William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg; John Heywood, Hugh Hartshorne, Clement Plumsted and Thomas Cooper All that Easternly part share and porcion, and all those Easternly parts, shares and porcions of all that whole and Entire Tract of Land in America heretofore called New Cæsarea or New Jersey Extending Eastward and Northward along the sea Coasts and a Certain River called Hudsons River from the East side of a certain place or Harbour lying on the southerne part of the same Tract of Land [and comonly called or Known in a Mapp of the said Tract of Land ¹] by the name of Little Egg Harbour to that part of the said River called Hudson's River, which is in fforty one Degrees of Latitude, being the ffurthermost part of the said Tract of Land and premisses, which is bounded by the said River and Crossing over from thence in a Straight Line Extending from

¹ The words between the brackets interlined in the original. Ed.

that part of Hudsons River aforesaid to the Northermost Branch of a certain River there called Delaware River and to the most Northerly poynt or Boundary of the said Entire Tract of Land and premisses now called the north partic'on point, and from the said north partic'on point Extending Southward unto the most Southernly poynt by a Straight and direct Line drawn through the said Tract of Land from the said north partic'on point unto the said South partic'on point called the Line of partic'on, Dividing the said Easternly part, share and porc'on from the Westernly part share and porc'on of the said Tract of Land, and all and every the Isles, Islands, Rivers, Mines, Mineralls, Woods, ffishings Hawkings, Huntings, fflowings and all other Royalties, Governments, powers, fforts, ffranchises, Harbours, profits, Comodities and Heriditaments whatsoever unto the said Easternly parts, share and porc'on, parts, shares and porc'ons of the said Tract of Land and premisses belonging or in anywise appertaining with their and every of their appurtennc's, And the Revercon and Revercons, Remainder and Remainders, Rents, Issues, and profits of the same, and of every part and parcell thereof, ALL which said Easternly part, share and porc'on, parts, shares and porc'ons are called by the name of East New Jersey. To HAVE AND TO HOLD the said Easternly part, share and porc'on, Easternly parts, shares and porc'ons of the said Tract of Land and now called East New Jersey, and all and singular other the premisses herein menc'oned or intended to bee hereby bargained and sould with their and every of their appurtennc's unto the said William Penn, Robert West, Thomas Rudyard Samuell Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumsteede and Thomas Cooper their Executors, administrators and assignes from the day next before the date of these presents for and unto the full end and time of one whole yeare from thence next ensuinge and fully to bee compleate and ended. Yeilding and

paying the Rent of one pepper Corne at the feast of S^t Michaell the Arch Angell, if the same bee lawfully demanded, To the intent & purpose, that by virtue of these pn'tes and of the statute for transferring uses into possession the said William Penn, Robert West, Thomas Rudyard, Samuell Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumstead, and Thomas Cooper may bee in the actuall possession of the said premisses and be thereby enabled to accept a Grant and Release of the Reversion and Inheritance thereof to them and their Heires. IN WITNES whereof the said parties to these presents have to these present Indentures interchangeably Sett their hands and Seales. Dated the day and yeare first above written.

Elizabeth Carteret

BATHE, CREWE B GRENVILLE ROBERT ATKYNS
EDW. ATKYNS THO: POCOCKE THO CREMER.

[On the back.]

Sealed and Deliv'ed by the within named Dame Elizabeth Carteret the Right Hono^{ble} the Earl of Bath the Right Hono^{ble} the Lord Crew the Hono^{ble} Bernard Greenville Esq^r the Hon^{ble} S^r Edward Atkyns Kn^t, Thomas Pockocke and Thomas Cremer In the p^rsence of

GEO MACY
STE: MELLICHAP
HARB^r SPRINGETT Jun^r
BEN: WETTON

Sealed and Delivered by the wthin named S^r Robert Atkyns in the presence of

ANNA DAWSON
JOHN REYNOLDS
FFRA: WHITHAM
JOHN DANGERFEILD.

*Deed from John Fenwicke to William Penn, for Half of
New Jersey.*

[From Original Counterpart in the New Jersey Historical Society Library.]

THIS INDENTURE made the Twenty third day of the first Month Called March, in y^e year According to English account, One Thousand Six Hundred Eighty and Two, BETWEEN John Fenwick by y^e name of John Fenwicks Esq^r of Fenwicks Colony, in *New Jersey* in *America*, of the one Part; and *William Penn Propriet^r & Govern^r of Pennsylvania*, and the Territories thereof of y^e other part; Witnesseth That the said *John Fenwick* for and in Consideration of y^e Sum^e of Tenn Shillings to him in hand before the Enscaling and Delivery of these Presents by y^e said *William Penn* well & truly contented and paid, whereof y^e said *John Fenwick* doth hereby Acknowledge the Receipt, & thereof & of every part thereof doth clearly acquit exonerate and discharge y^e said *William Penn*, his Heirs, Executo^{rs} and Administrat^{rs}, and every of them for Ever by these *Presents*: And for divers other good causes, weighty and Valuable Considerations him hereunto moving Hath Given, Granted, Bargained Sold Aliened Released, Enfeoffed & Confirmed and by these *Presents* for himselfe his Heirs and Assignes *Doth Give Grant Bargain Sell Alien Release Enfeoffe & Confirme* unto y^e said *William Penn*, his Heirs & Assignes for *Ever*, all and Every his the said *John Fenwick* his Right Estate title Interest use possession Claime and demand Reversion Remainder & Property whatsoever which he y^e said *John Fenwick* now hath, or hath had, or may at any time or times hereafter claime to have of in and to one whole undivided halfe part of *New Jersey* in *America*; Late in Copartnershipp & Joynt Ten^{ancy} in Fee & Com^{on} Soccage with *Sr George Carteret Baronet* as by deed from *John Lord Berkely* Baron of Strat-

ton, dated in March one Thousand Six Hundred Seventy Three, doth and may appear, and also All his y^e s^d *John Fenwick* his right Estate Title Interest Property claime & demand whatsoever, by Law or Equity he is Intituled unto by virtue of his Survivourshipp or may at any time or times hereafter claime to have, of, in & to y^e Tenn Equall parts of y^e whole undivided Halfe menc'oned in a Deed of uses by him made to *William Penn Gawen Lowry & Nicolas Lucas*, dated in February one Thousand Six hundred Seventy four; (*Excepting* and always for prized out of this Grant to y^e s^d John Fenwick his heirs & Assignes y^e quantity of one Hundred & fifty Thousand Acres in that Tract of Land called Fenwicks Colony being part & parcell of y^e afores^d Tenth with power and privilege henceforth to hold and Keep Courte Leets & Court Barons under y^e Governm^t of y^e s^d *William Penn* his heirs & Assignes in Such part thereof where he hath not already granted alienated y^e power of so doing together wth all y^e Rents Issues & proffitts thereof in Consideration whereof y^e s^d John Fenwick his Heirs & Assignes shall pay unto y^e s^d William Penn his Heirs & Assignes yearly for ever Two Buck skins on y^e Twenty ninth day of September in every year if Lawfully demanded) together with all Royalties powers services govern^{ts} Jurisdictions & preheminences whatsoever to him y^e s^d John Fenwick in Any wise appertaining by virtue of all or any deeds afores^d, & all Pattents Charters deeds writings evidences escripts and minin^{ts}: [?] whatsoever (*Except* w^t perly [?] relates to y^e before excepted & forprised Lands) touching or concerning y^e P^rmises or any part or parcell of them To Have & to Hold all & Singular y^e P^rmises hereby granted bargained Aliened released Enfeoffed & Confirmed wth their & every of their appurtinances to Him y^e s^d William Penn his heirs & Assignes & to y^e only proper use & behoofe of him y^e s^d William Penn his heirs & [Assignes?] for Ever except as before is excepted And y^e said John Fenwick for himselfe his heirs Executo^{rs} & Administrat^{rs} doth here-

by covenant grant and agree to & wth y^e s^d William Penn his heirs & Assignes That he y^e s^d William Penn his heirs & Assignes shall & may at all times for ever hereafter peaceably & quietly have hold use & enjoy all & singular y^e before granted p^rmises with y^e Apurtenances except [as before ?] excepted according to y^e true intent & meaning hereof Wthout any Let suit or Trouble w^{so}ever of and by y^e s^d John Fenwick his heirs Execut^{rs} Administ^{rs} & Assignes or any other person or persons whatsoever Lawfully claiming by from or under him them or any of them or by his or their means privity Consent or procurem^t And y^t free & Clear or freely & clearly acquitted exonerated & discharged by y^e s^d John Fennwick his heirs Execut^{rs} or Administrat^{rs} of and from all manner of former & other gifts grants bargains sales leases morgages Joynitures dowers Judgem^{ts} execuc^{ions} entails and generaley of & from all other Titles Troubles & demands w^{so}ever except w^t relates to y^e before excepted premises had made com^{mitted} or done by y^e s^d John Fennwick his heirs or Assignes or by any other person or persons whatsoever Lawfully claiming by from or under him them or any of them And y^t y^e s^d John Fennwick his heirs Execut^{rs} & Administrat^{rs} shall and will from time to time or at any time hereafter at y^e reasonable request cost & Charges of y^e s^d William Penn his heirs & Assignes do make acknowledge execute & suffer or cause to be made acknowledged executed suffered & done all & every such further & other Lawfull Act acts assurance & assurances for y^e further & better assuring & conveying of all his y^e s^d John Fennwicks his right estate title Interest property claime & demand what soever of in & to y^e s^d New Jersey & of all and every part thereof (except as before excepted) together wth all Royalties powers Services governm^{ts} Jurisdictions & preheminences whatsoever thereunto belonging unto him y^e s^d William Penn his heirs and assignes for ever in as full & ample manner as he y^e s^d William Penn his heirs or Assignes shall reasonably require devise or demand

In Wittness whereof y^e Partys . . . first above mentioned To these Present Indentures Interchangeably have Sett their hands & Seals y^e day & year first above written

[SEAL.]

[On the back.]

Sealed and Delivered in the
 P^rsenc of THO: HOLME
 PHILIP TH—— ? Sec^r
 SAM^{LL} HEDGE
 JOHN SMITH

*Agreement of the Twelve Proprietors of East Jersey as to
 the Benefit of Survivorship.*

[From the Original in the Library of the New Jersey Historical Society.]

The Deed to prvent the benefit of surviv^rship by
 the Purchasers of East New Jersey

This Indenture made the ffirst Day of June in the ffour and Thirtieth year of the Raigne of our Sovereigne Lord Charles the second by the grace of God of England Scotland ffrance and Ireland King Defend^r of the ffaith &c Annoq: Domini 1682 **Between** William Penn of Warminghurst in the County of Sussex Esq^r of the first part Robert West of the Middle Temple London Esq^r of the second part Thomas Rudyard of London Gent. of the Third part Samuel Groom of the parish of Stepney in the said County of Midds'x marriner of the ffourth part Thomas Hart of Enfield in the said County of Midds'x,

mercht of the fifth part Richard Mew of Stepney aforesaid
mercht of the sixth part Thomas Willcox of London Gold-
smith of the Seaventh part Ambrose Rigg of Gatton place
in the County of Surrey Gentleman of the Eighth part
John Heywood Cittizen and Skinner of London of the
Ninth part Hugh Hartshorn Cittizen and Skinner of Lon-
don of the Tenth part Clement Plumsteed Cittizen and
Draper of London of the Eleventh part and Thomas
Cooper Cittizen and merchant-taylo^r of London of the
Twelfth part ~~Whereas~~ the said William Penn Robert
West Thomas Rudyard Samuell Groom Thomas Hart
Richard Mew Thomas Willcox Ambrose Rigg John Hey-
wood Hugh Hartshorn Clement Plumsteed and Thomas
Cooper have lately purchased of and from the said John
Earl of Bath Thomas Lord Crew Bernard Greenville S^r
Robert Atkyne Kn^t of the Bath and S^r Edward Atkyne
Kn^t one of the Barrons of his Ma^{ties} Court of Excheq^r
appointed Trustees by the last Will of S^r George Carteret
late of Saltram in the County of Devon Kn^t and Barr^t
Deceased for the sale of Lands for the payment of his
Debts and Legacies and of and from Thomas Pocock of
the parish of S^t Andrews Holborne in the County of
Midds^x Gents. and Thomas Cremer of the same place
Gentleman A certain Tract of Land in America now called
East New Jersey and All Isles Islands Rivers Mines
Mineralls Woods ffishings Hawlings Huntings ffolwings
and all other Royalties Governments powers fforts fran-
chises Harbo^{rs} profitts Com[']odities and Hereditaments
whatsoever to the said Tract of Land belonging with their
and every of their Appurtan[']ces together with all Arrears
of Rent incurred since the Death of the said S^r George
Carteret And likewise have purchased from Dame Eliza-
beth Carteret the Relict and Sole Executrix of the said
S^r George Carteret All Arrears of Rent incurred and
grown Due in the life time of the said S^r George Carteret
as in and by the severall Grants from the said Earl of Bath
Lord Crew Bernard Greenville S^r Robert Atkyne S^r Ed-

ward Atkyne Thomas Pocock and Thomas Cremer and from the said Lady Carteret relation being therevnto had It doth and may appear. **Now witnesseth** this Indenture that it is hereby Declared and agreed by all and eu'y the said parties to these p'sents that the moneys paid for the said purchase of the said Tract of Land and p'misses and also the Arrears of Rent were paid by the said William Penn Robert West Thomas Rudyard Samuel Groom Thomas Hart Richard Mew Thomas Willcox Ambrose Rigg John Heywood Hugh Hartshorn Clement Plumsted and Thomas Cooper equally and in equall pportions and that the said purchase was made and intended for the equall benefit and advantage of them their seu'all Heires and Assignes in Twelve equall parts **And** therefore It is Cov'ented Granted concluded and agreed by and between all and every of the said parties that there shall not be any benefitt of Surviv^rshipp amongst the said parties for or concerning all or any of the said p'misses for or by reason of the death of any one or more of them but that the Heires or Assignes of all and every of the said parties soe Dyeing shall enjoy the share and portion thereof which the said severall parties now haue therein **In witnesse** whereof the parties to these p'sents interchangeably have sett their hands and seales the Day and year first above written

WM PENN

[L. s.]

ROBT. WEST

[L. s.]

THO RUDYARD

[L. s.]

RICH: MEW

[L. s.]

AMBROSE RIGG

[L. s.]

HUGH HARTSHORN

[L. s.]

SAMUEL GROOM

[L. s.]

THO: HART

[L. s.]

THO: WILLCOX

[L. s.]

JOHN HEYWOOD

[L. s.]

CLEM^r PLUMSTED

[L. s.]

THO: COOPER

[L. s.]

[On the back.]

Sealed and delivered
by the within named Wil-
liam Penn and Ambrose
Rigg in the presence of

HARB^T SPRINGETT
J. S SWINTON
W^M GIBSON

Sealed and Delivered by
the within named Robert
West Thomas Rudyard Sam-
uel Groom Richard Mew
Thomas Hart Thomas Wil-
cox Hugh Hartshorne John
Heywood Clement Plum-
sted and Thomas Cooper in
the presence of

W^M GIBSON
EDMUND BARRINGTON
HARB^T SPRINGETT
W^M GIBSON

*Commissions of Thomas Rudyard,¹ as Secretary and
Register, and Samuel Groom, as Receiver General,
of East Jersey.*

[From Copies among the Manuscripts of W. A. Whitehead.]

ROBERT BARCLAY ESQ^M Proprietor & Governor and
the rest of the Proprietors of the Province of
East new Jersey

*To our trusty & well beloved THOMAS RUDYARD Gent Send
Greeting.*

I the said Robert Barclay being well assured of thy Skill

¹ THOMAS RUDYARD was originally from the town of Rudyard, in Staffordshire; but, at the time of his appointment, was a resident of London. His legal attainments were thought to be of a high order, and it was probably his connection with the trial of William Penn and Willam Mead, in 1670, for acting contrary to the provisions of the Conventicle Act, that made him acquainted with the East Jersey project. He took an active interest in promoting the views of the twenty-four Proprietaries, and his house in George Yard, Lombard street, became the depository of their papers, maps, &c., for the information of inquirers. He came to the Province in November,

prudence and Integrity, have thought fit and do by these presents by and with the consent of the Said Proprietors Nominate Constitute and appoint thee Secretary and Chief Register for so long time as thou shalt well and faithfully behave thy Self therein : Hereby authorizing thee to be present at all meetings of the Dep^{ty} Gov^r and Council of the Said Province, and to take and keep an exact Register of all their Acts Orders and Constitutions, As also to receive from the Survey^r Generall of the Said Province All certificates of land by him laid out and Surveyed for any person or persons whatsoever according to the Warrant from the Deputy Governor and Council, And the Same certificates carefully to Register and file in thine Office, And thereupon by vertue of Such Warrants as you Shall receive from the Deputy Governor and Council to draw up Such Lease or Leases Conveyance & Assurances of Land from the Proprietors and in their names, as Shall accord with the Certificate and the form of Assurance now used in the Said Province, which being Signed by me or the Deputy Gov^r & Council and Sealed with the Seal of the Said Province, thou shalt carefully enroll the Same in thy office, that recourse may be had thereunto on all Occasions And to do all other Act and Acts thing and things which do or Shall belong to the Office of Secretary and Register within the Said Province to the best of thy Judgment and Skill, And for thy doing the Same thou Shalt receive Such Salaries fees and perquisites as are already or by the Generall Assembly of the Said Province Shall be appointed and none other. Given under the Seal of our Province this sixteenth day of September Annoq Dom 1682.

1682, bringing two daughters with him, *Margaret* and *Anne*; the first of whom became the wife of Samuel Winder, and subsequently of George Willocks, and the other the wife of John West. Differing from the Surveyor General as to the mode of laying out and allotting lands, (his Council agreeing with him,) he was superseded in July, 1683. Gawen Lawrie, his successor, entering upon his duties in February, 1684. Mr. Rudyard continued to exercise the duties of Secretary and Register until 1685, when he left the Province for the island of Barbadoes. See "East Jersey Under the Proprietary Governments," pp. 164-167. *Ed.*

[To this is appended, in the handwriting of William Dockwra,¹ the agent of the Proprietors :]

Aug: N B

1687 1st here is no power of making a Deputy
2^d The grant being only personall & no longer time than he should well & faithfully behave himself therein.

His forfeiture is notorious.

1st. for wthdrawing from the execution of his duty & taking an office in another Province, in N. York.

2. for vtterly forsaking his duty by settling in Barbados, a power to make a Deputy might have been a plea, but here can be no pretence, vnless T. R &c: count Hectoring & Huffing will maintain a Tytle ag^t all y^e world as well as ag^t
W. D.

ROBERT BARCLAY Esq^r. Proprietor & Governor and
the rest of the Proprietors of the Province of
East new Jersey

To our trusty and well beloved SAMUELL GROOM Merchant

WEE being well assured of thy Integrity and prudence have thought fitt and do by these presents Nominate Constitute and appoint thee Receiver General of the Said Province for So long time as thou Shalt well and faithfully

1 WILLIAM DOCKWRA, when first mentioned in the "East Jersey Records," is styled "Merchant of the Parish of St. Andrew, Undershaft, London." Having taken an active part in promoting emigration to the Province, by contributions in money and sending over settlers on his own account, he became so intimately associated with the Proprietors as to be made their agent, and authorized to sign for them all instructions and other documents which were deemed necessary by him for the well ordering of their affairs. This was 1686; two years later he was appointed Receiver General and Treasurer of the Province, and, in 1689, also Secretary and Register of the Board of Proprietors, performing his duties in the Province by deputy. In 1633 a penny post was established in London, of which Dockwra soon after obtained the management, but did not retain it long. He died in 1717, leaving several sons and daughters, but none of the family appear to have visited America. See "East Jersey Under the Proprietary Governments," 2d Edit., p. 216. Ed.

behave thy Self therein, To collect and receive all Quitt-rents belonging to us and all other moneyes due and payable either for the publique use and Stock of the Said Province or for the private benefit of us the Proprietors. And to issue out all publique moneyes by the direction and Order of our Governor Deputy Governor and Councill, and to remit or return our private moneyes in Such manner as thou in thy Judgement shalt think fit, and to do all other Act and Acts thing and things that to the Office of a Receiver Generall doth belong ; And for thy So receiving and disbursing the publique Moneyes thou Shalt receive Such Salaries fees and Perquisites as are already or Shalt hereafter by the generall Assembly of the Said Province be appointed and none other, And for our private business thou Shalt receive the usuall Commission, allowance of other ffactors, Given under the Seale of our Province this 16 day of September 1682.

[To this is appended, in the handwriting of William Dockwra:]

Quæ What blank com'ission G. L¹ had, for if he had no power to make a dep^{ty}, his exceeding his power invalidates y^e com'ission especially if y^e patent was Signed & sealed here by y^e Gov^r &c. for after that thing be added or any materiall alteration it makes it void

W^m Haige never was concern'd to direct any thinge

& quæ: what deputation was made by him to G. L and where.

Consider y^t G. L. being dismiss by publique order from y^e propr. vnder their province seale.

The Register of Scotland to Sir John Werden.

[From "New York Colonial Documents," Vol. III., p. 329.]

[*Extract.*] I did write to you formerly of our desire who are Proprietors of East Jersey, to have our gov-

ernem^t rather holden by Charter of his R^{ll} H^{as} yⁿ as it is at p^rsent by transmission from our authers without any augmentac^on of our priviledges, but only to be und^r y^e Dukes im[']ediate protection

[December 21, 1682.]

Sir John Werden to the Lord Register.

[From "New York Colonial Documents," Vol. III., p. 330.]

S^t James's 4 Jan^r. (83)

My Lord

I should have answered yo^r Lords^{ps} of ye 21. Dec^r sooner, but y^t I have waited a good opportunity to make y^e proposall menc^oned in yo^r lett^r about y^e East part of New Jersey.

And now I am to desire a little further explanation of w^t is aymed at in y^s proposall, y^t is, whether the Propriet^{rs} of East New Jersey designe to Joyne y^t to New York (as heretofore) as a part of y^t governem^t and soe share in it by sending their Representatives to y^e Assembly at New Yorke (in such number as may be agreed on, if it be thought fitt) and contributing to y^e publique charge in propor^on &c or else whether haveing their governem^t in E. New Jersey holden by Charter from his R^{ll} H^s imediately rather than by transmission from their Authors (as yo^r Lre expresses it) and being und^r the Dukes protection to be understood only of the Dukes confirmac^on of their rights & possessions there, as they are derived unto y^m from Sir Geo. Carterett or his heires, by vertue of y^e Dukes grant heretofore to him and y^m

Moreover for the ease of negotiating y^s affaire I desire yo^r Lords^p will appoint some one (well instructed) empowered to answer such objecc^ons as may be started by his R^{ll} H^s Com^{rs} here, wⁿ y^t is layd before them.

To the R^t Hon^{ble} the Lord Register in Edinburgh.

Letter from James Nevill to Governor Penn.

[From "Pennsylvania Archives," Vol. I., p. 55]

Deare Friend

On the first day of this weeke, after y^e meeting, I informed friends, That I had some matter of importance to impart to ye people, and desired them to give notice thereof to as many as they could, to meete at Salem on the next day; accordingly, there came together about 30 psons, to whom I read the inclosed, at w^{ch} George Deacon, John Thompson and seaverall others seemed highly displeas'd, Saying they would stand by the Concessions. I demanded of ye two foremensconed persons, whose leggs they would stand on, for their own legg had fail'd them formerly, &c. : they asked what I had to doe to medle in such Matters, wth out acquainting them : I answered, I thought y^{em} not psons fitt to be of my Councill, &c : Some said, if the Governm^t belonged to thee, thou might assume it wthout our peticoning thee thereto : I replied, thou would'st rather have it by consent of the people also ; for W^m Called ye Conquer^r acknowledged he was chosen King, by the consent of ye people : ma'y words past, when it appeared y^t some had not learn'd how to keepe Silence, nor yet to speake to purpose ; at last it was agreed that all ye Inhabitants should have Notice to meete on the second day of this instant moth, and about 60 psons came together ; the most part willingly Subscrib'd, & all ye rest, except two psons (after a long dispute) did the like, All generally desiring thee to admitt, that the people may have the Nomination of thy Deputy Gov^rno^r and the Justices of ye peace ; John ffenwick did not appeare, his son Hedge told me he thought his father would not doe any thing until he had been wth thee ; I have sent thee herewth his Commission, desiring it may never come to his hand, for the people have had so much experience of his ambition, &c.

formerly, and it is credibly reported that he hath boasted (Since thy being here) y^t all is his : That very few or none of the Sober people can willingly rec^l him in Authority except I should acquaint y^{em} wth ye meaning thereof, w^{ch} I thinke will not be expedient ; and I doe foresee y^t he and his Tribe wilbe so arrogant, that the peace of ye people wilbe much disquieted thereby, if not prudentially p^rvented, it may be Expected y^t all things will be in disorder when bad men hold the best places of Credit, Though I could verily hope my enemy were reconciled, and that there resteth no malice in him towards me, Neverthelesse, blame me not to be so considerate and provident, That put the case he should have the will to hurt me, yet he shall not have the opportunity, or occasion to doe it, by any Act of mine ; As for thee, I declared to the people that I doe Confidently believe that thou intend'st Such an establishm^t that men shall not have a means or opportunity either to or prejudice the Publick wthout extreme hazard and Daing^r to y^{em}selves ; And to remove (as much as may be) all disgusts and heartburnings, and to setle this country vpon the fairest probabilitys of a lasting peace and Contentfull establishm^t : To Defend ye poore and fatherlesse, to doe Justice to the Needy, and to deliver y^{em} out of the hands of those y^t are too Strong and mighty for y^{em} : This I declare wth integrity of heart, who am thy loving and Respectfull friend

JAMES NEVILL

Salem 3^d jrst mo., 1682-3

I think it may be the best to setle Joⁿ ffenwick in the Province of Pensilvania, and remove him, so that he have noe interest or Clayme here, least being in possession he Shoulde adde to his ptie, w^{ch} he hath allready made for his pticular interest. I wish thyne and the people's felicity, and freely leave the ordering thereof to the Wisdom of of God in thee

J. N

He hath offered to sell Land to a Taylor y^t workes wth

me, this weeke last past, ye quantity 300 acrs, and to sell one hundred to a Scotchman & give him another, both p'ties affirmed this in my house (viz^d) ye Scotchman & ye Taylor.

FOR WILLIAM PENN, Propriet' & Govern'
of Pensilvania, These,"—

Release from the Duke of York to the Twenty-four Proprietors of East Jersey.

[From "Grants and Concessions," p. 141.]

THIS INDENTURE made the *Fourteenth* Day of *March*, in the five and Thirtieth Year of the Reign of our Sovereign Lord CHARLES the Second, by the Grace of God of *England, Scotland, France* and *Ireland* King, Defender of the Faith, &c. *Anno Domini* 1682.¹ Between his Royal Highness the most illustrious Prince JAMES, Duke of *York* and *Albany*, Earl of *Ulster*, &c. only Brother to our Sovereign Lord the King, of the one Part, and the Right Honourable *James* Earl of *Perth*, of the Kingdom of *Scotland*; the Honourable *John Drummond*, of *Lundy*, in the said Kingdom of *Scotland*, Esq., *Robert Barchly*, of *Eury*, in the said Kingdom of *Scotland*, Esq; *David Barchly*, jun. of *Eury* aforesaid, Esq; *Robert Gordon*, of of *Cluny*, in the Kingdom of *Scotland*, Esq; *Arent Sommans*, of *Wallingford*, in the Kingdom of *Scotland*, Esq; *William Penn*, of *Worminghurst*, in the County of *Sussex*, Esq; *Robert West*, of the Middle Temple, *London*, Esq; *Thomas Rudyard*, of *London*, Gentleman; *Samuel Groome*, of the Parish of *Stepney*, in the County of *Middlesex*, Marriner; *Thomas Hart*, of *Enfield*, in the said County of *Middlesex*, Merchant; *Richard Mew*, of *Stepney*, aforesaid, Merchant; *Ambrose Rigg* of *Catton Place*, in the County of *Surry*, Gentleman; *Thomas Cooper*, Citizen and Merchant Taylor, of *London*; *Gawn Lavry*,

¹ March 14, 1682-3.

of *London*, Merchant; *Edward Billinge*, of the City of *Westminster*, in the County of *Middlesex*, Gentleman; *James Braine*, of *London*, Merchant; *William Gibson*, Citizen and Haberdasher, of *London*; *John Haywood*, Citizen and Skinner, of *London*; *Hugh Hartshorn*, Citizen and Skinner, of *London*; *Clement Plumstead*, Citizen and Draper, of *London*; *Thomas Barker*, of *London*, Merchant; *Robert Turner*, of the City of *Dublin*, in the Kingdom of *Ireland*, Merchant; and *Thomas Warne*, of *Dublin*, aforesaid, in the said Kingdom of *Ireland*, Merchant, of the other Part. WHEREAS our said Sovereign Lord the King's Majesty, in and by his Letters Patent, under the Great Seal of *England*, bearing Date the *Twelfth* Day of *March*, in the Sixteenth Year of His said Majesty's Reign, did amongst several other Things therein mentioned, give and grant unto his Royal Highness JAMES Duke of *York*, his Heirs and Assigns, all that Tract of Land adjacent to *New-England*, in the Parts of *America*, and lying and being to the Westward of *Long-Island* and *Manhattas-Island*, and bounded on the East Part by the Main Sea; and East by *Hudson's River*; and hath on the West, *Delaware Bay* or River; and extendeth Southward to the main *Ocean* as far as *Cape-May*, at the Mouth of *Delaware-Bay*; and to the Northward as far as the Northernmost Branch of the said Bay or River of *Delaware*, which is in one and Forty Degrees and Forty Minutes of Latitude, and crossing over thence in a straight Line to *Hudson's River* in one and Forty Degrees of Latitude; which said Tract of Land was then after to be called by the Name of *New-Cæsarea* or *New-Jersey*, with all the Lands, Islands, Soils, Rivers, Mines, Minerals, Quarries, Woods, Marshes, Waters, Lakes, Fishings, Hawkings, Huntings and Fowlings, and all other Royalties, Profits, Commodities and Hereditaments, unto the said Premises belonging and appertaining, with their and every of their Appurtenances: And all his said Majesty's Estate, Right, Title, Interest, Benefit, Advantage, Claim and Demand of, in and to the

same Premises, or any Part or Parcel thereof, and the Reversion and Reversions, Remainder and Remainders, together with the yearly and other Rents, Revenues and Profits of the same, and of every Part and Parcel thereof, to hold unto his said Royal Highness the said JAMES Duke of *York*, his Heirs and Assigns forever; to be holden of his said Majesty, his Heirs and Successors, amongst other the Things therein granted, as of his Majesty's Mannor of East *Greenwich*, in his Majesty's County of *Kent*, in free and common Soccage, and not in Capite or Knight Service, under the yearly Rent therein mentioned. AND WHEREAS his said Royal Highness JAMES, Duke of *York*, did heretofore by several good and sufficient Conveyances and Assurances under his Hand and Seal duly executed, the *twenty-third* and *twenty-fourth* Days of *June*, in the Sixteenth Year of his said Majesty's Reign, for the Consideration therein mentioned, grant and convey the said Tract of Land and Premises before mentioned to *John* Lord *Berkeley*, Baron of *Stratton*, and one of his Majesty's most Honourable Privy Council, and Sir *George Carteret*, of *Salterem*, in the County of *Devon*, Knight and Baronet, and one other of his Majesty's most honourable Privy Council, and their Heirs, the said Tract of Land and Premises before particularly mentioned, and the Reversion and Reversions, Remainder and Remainders of the same, To HOLD unto the said *John* Lord *Berkeley* and Sir *George Carteret*, their Heirs and Assigns forever, under the yearly Rent of Twenty Nobles Sterling, payable as the same is therein reserved to be paid. AND WHEREAS His said Majesty did by other his Letters Patents, dated the *twenty-ninth* day of *June* in the six and twentieth Year of his said Majesty's Reign, grant and convey unto his said Royal Highness, and his Heirs forever, as well the said Tract of Land and Premises herein before recited to have been granted and conveyed by his said Royal Highness, unto the said *John* Lord *Berkeley* and Sir *George Carteret* as aforesaid, as all other the Lands and Hereditaments in and

of *London*, Merchant; *Edward Billinge*, of the City of *Westminster*, in the County of *Middlesex*, Gentleman; *James Braine*, of *London*, Merchant; *William Gibson*, Citizen and Haberdasher, of *London*; *John Haywood*, Citizen and Skinner, of *London*; *Hugh Hartshorn*, Citizen and Skinner, of *London*; *Clement Plumstead*, Citizen and Draper, of *London*; *Thomas Barker*, of *London*, Merchant; *Robert Turner*, of the City of *Dublin*, in the Kingdom of *Ireland*, Merchant; and *Thomas Warne*, of *Dublin*, aforesaid, in the said Kingdom of *Ireland*, Merchant, of the other Part. WHEREAS our said Sovereign Lord the King's Majesty, in and by his Letters Patent, under the Great Seal of *England*, bearing Date the *Twelfth* Day of *March*, in the Sixteenth Year of His said Majesty's Reign, did amongst several other Things therein mentioned, give and grant unto his Royal Highness *JAMES* Duke of *York*, his Heirs and Assigns, all that Tract of Land adjacent to *New-England*, in the Parts of *America*, and lying and being to the Westward of *Long-Island* and *Manhattas-Island*, and bounded on the East Part by the Main Sea; and East by *Hudson's River*; and hath on the West, *Delaware* Bay or River; and extendeth Southward to the main *Ocean* as far as *Cape-May*, at the Mouth of *Delaware*-Bay; and to the Northward as far as the Northernmost Branch of the said Bay or River of *Delaware*, which is in one and Forty Degrees and Forty Minutes of Latitude, and crossing over thence in a straight Line to *Hudson's* River in one and Forty Degrees of Latitude; which said Tract of Land was then after to be called by the Name of *New-Cesarea* or *New-Jersey*, with all the Lands, Islands, Soils, Rivers, Mines, Minerals, Quarries, Woods, Marshes, Waters, Lakes, Fishings, Hawkings, Huntings and Fowlings, and all other Royalties, Profits, Commodities and Hereditaments, unto the said Premises belonging and appertaining, with their and every of their Appurtenances: And all his said Majesty's Estate, Right, Title, Interest, Benefit, Advantage, Claim and Demand of, in and to the

same Premises, or any Part or Parcel thereof, and the Reversion and Reversions, Remainder and Remainders, together with the yearly and other Rents, Revenues and Profits of the same, and of every Part and Parcel thereof, to hold unto his said Royal Highness the said JAMES Duke of *York*, his Heirs and Assigns forever; to be holden of his said Majesty, his Heirs and Successors, amongst other the Things therein granted, as of his Majesty's Manor of East *Greenwich*, in his Majesty's County of *Kent*, in free and common Soccage, and not in Capite or Knight Service, under the yearly Rent therein mentioned. AND WHEREAS his said Royal Highness JAMES, Duke of *York*, did heretofore by several good and sufficient Conveyances and Assurances under his Hand and Seal duly executed, the *twenty-third* and *twenty-fourth* Days of *June*, in the Sixteenth Year of his said Majesty's Reign, for the Consideration therein mentioned, grant and convey the said Tract of Land and Premises before mentioned to *John* Lord *Berkeley*, Baron of *Stratton*, and one of his Majesty's most Honourable Privy Council, and Sir *George Carteret*, of *Salterem*, in the County of *Devon*, Knight and Baronet, and one other of his Majesty's most honourable Privy Council, and their Heirs, the said Tract of Land and Premises before particularly mentioned, and the Reversion and Reversions, Remainder and Remainders of the same, To HOLD unto the said *John* Lord *Berkeley* and Sir *George Carteret*, their Heirs and Assigns forever, under the yearly Rent of Twenty Nobles Sterling, payable as the same is therein reserved to be paid. AND WHEREAS His said Majesty did by other his Letters Patents, dated the *twenty-ninth* day of *June* in the six and twentieth Year of his said Majesty's Reign, grant and convey unto his said Royal Highness, and his Heirs forever, as well the said Tract of Land and Premises herein before recited to have been granted and conveyed by his said Royal Highness, unto the said *John* Lord *Berkeley* and Sir *George Carteret* as aforesaid, as all other the Lands and Hereditaments in and

said Sir *George Carteret*, his Heirs and Assigns forever ; upon which Partition so made, and such Conveyance so executed as aforesaid, he the said Sir *George Carteret* became seized of all that Easterly Part of the said Premises, now called *East New-Jersey*, with its Appurtenances in severalty. AND WHEREAS the said Sir *George Carteret* being, by Virtue of the said Assurances and Partition aforesaid, become sole seized to him and his Heirs of the said Premises called *East New-Jersey*, by his last Will and Testament in Writing, bearing Date on or about the *fifth* Day of *December* in the Year of our Lord *One Thousand Six Hundred Seventy and Eight*, did devise the same, and all his Estate therein, amongst other Things, to the Right Honourable *Edward*, Earl of *Sandwich*, the Right Honourable *John* Earl of *Bath* ; the Right Honourable *Thomas*, Lord *Crew*, Baron *Crew*, of *Steane* ; the Honourable *Bernard Greenville*, Esq ; Brother of the said Earl of *Bath* ; the Honourable Sir *Robert Atkins*, Knight of the *Bath* ; the Honourable Sir *Edward Atkins*, Knight, one of the Barons of his Majesty's Court of Exchequer, and their Heirs in Trust, to sell the same for the Payment of his Debts and Legacies, as in and by the said Will, Relation being thereunto had, may appear, and shortly after dyed. And Whereas the said *John*, Earl of *Bath* ; *Thomas*, Lord *Crew* ; *Bernard Greenville* ; Sir *Robert Atkins* ; and Sir *Edward Atkins*, by Indentures of Lease and Release, bearing Date the *fifth* and *sixth* Days of *March*, in the two and thirtieth Year of his Majesty's Reign, conveyed the said Premises, amongst other Things, to *Thomas Cremer*, of the Parish of *St. Andrews, Holbourne*, in the County of *Middlesex*, Gentleman, and *Thomas Pocock* of the same, Gentleman, as by the said Indentures, relation being thereunto had, it may appear. And Whereas the said Earl of *Sandwich*, by his Indenture bearing Date the Twentieth Day of *February* last past, hath released all his Estate, Interest and Trust in the said Premises, to the said Earl of *Bath*, Lord *Crew Bernard Greenville*, Sir *Robert Atkins*,

and Sir *Edward Atkins*, and their Heirs, as by the said Indenture, relation being thereunto had, may appear. And Whereas the said Earl of *Bath*, Lord *Crew*, *Bernard Greenville*, Sir *Robert Atkins*, and Sir *Edward Atkins*, by the Consent and Direction of Dame *Elizabeth Carteret*, Relick and Executrix of the said Sir *George Carteret*; and the said *Thomas Cremer* and *Thomas Pocock*, by the Consent and Direction of the said Dame *Elizabeth Carteret*, Earl of *Bath*, Lord *Crew*, *Bernard Greenville*, Sir *Robert Atkins*, and Sir *Edward Atkins*, have by Indentures of Lease and Release, bearing date the *first* and *second* Days of *February* last past, granted and conveyed to the said *William Penn*, *Robert West*, *Thomas Rudyard*, *Samuel Groome*, *Thomas Hart*, *Richard Mew*, *Thomas Wilcox*, of *London* Goldsmith, *Ambrose Rigg*, *John Haywood*, *Hugh Hartshorn*, *Clement Plumstead*, and *Thomas Cooper*, their Heirs and Assigns, all the said Premises called *East New-Jersey*, together with all Isles, Islands, Rivers, Mines, Minerals, Woods, Fishings, Hawkings, Huntings, Fowlings and all other Royalties, Privileges, Franchises, Forts, Harbours, Profits, Commodities, and Hereditaments whatsoever, thereunto belonging, as in and by the said Indentures, relation being thereunto had, may more at large appear. And whereas the the said *William Penn*, *Robert West*, *Thomas Rudyard*, *Samuel Groome*, *Thomas Hart*, *Richard Mew*, *Thomas Wilcox*, *Ambrose Rigg*, *John Haywood*, *Hugh Hartshorne*, *Clement Plumstead*, and *Thomas Cooper*, have since conveyed one Moyety of the said Tract of Land called *East New-Jersey*, and of all other the Premises to the said *James*, Earl of *Perth*, *John Drummond*, *Robert Barckly*, *Robert Gordon*, *Arent Sonmans*, *Gawn Laurry*, *Edward Byllyng*, *James Braine*, *William Gibson*, *Thomas Barker*, *Robert Turner* and *Thomas Warne*, who are thereby become Tenants in Common of the said Premises called *East New-Jersey*, which with the said *William Penn*, *Robert West*, *Thomas Rudyard*, *Samuel Groome*, *Thomas Hart*, *Richard Mew*, *Thomas Willcox*, *Ambrose*

Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, and Thomas Cooper. And Whereas the said *Thomas Wilcox* hath since conveyed all his Share, Estate, and Interest in the said Premises, to the said *David Barckly* and his Heirs; And whereas by the said several recited Letters Patents, made by his said Majesty unto his said Royal Highness as aforesaid, several Powers and Authorities are and were given and granted unto his said Royal Highness, his Heirs and Assigns, to be executed by his said Royal Highness, his Heirs or Assigns, or by the Deputies, Agents or Commissioners of his said Royal Highness, his Heirs or Assigns, which are necessary as well for the Planting, Peopleing, and Improving of all and every the respective Lands, Places and Territories thereof granted; and for the Transporting thither from time to time such of his Majesty's Subjects as should be willing to go or be transported into those Parts, or any of them, as for the defending, guarding and keeping of the same; as also for the well governing of the same, and of all such as shall be inhabiting in the same, and for the making, ordaining and executing of necessary and convenient Laws and Constitutions, in order to such Government; and the punishing and pardoning Offences and Offenders, as occasion shall require; and to make, ordain, constitute, and confirm, and also to revoke, discharge, change and alter all and singular Governors, Officers and Magistrates, which by his said Royal Highness, his Heirs and Assigns, shall be from time to time thought fit and needful to be made, ordained, appointed or used in the said Parts or Places, or any of them; and to do all other Things needful, useful and necessary, for the well governing, keeping, defending and preserving the said respective Places and Territories, and of every of them, and all such as are and shall be inhabiting there. NOW THESE PRESENTS WITNESS, that for and in Consideration of a competent Sum of lawful English Money, unto his said Royal Highness in Hand paid and for the better extinguishing all such Claims and Demands as his said

Royal Highness, or his Heirs, may any wise have of or in the Premises aforesaid, now called *East New-Jersey*, or any part of them, and for the further and better settling and conveying, assuring and confirming of the same, and of every Part thereof, according to the Purport and true Meaning of these Presents, his said Royal Highness the said JAMES Duke of *York*, hath granted, bargained, sold, released and confirmed, and by these Presents, as far as in him lyeth, doth grant, bargain, sell, release and confirm unto the said *James*, Earl of *Perth*, *John Drummond*, *Robert Barckly*, *David Barckly*, *Robert Gordon*, *Arent Sonmans*, *William Penn*, *Robert West*, *Thomas Rudyard*, *Samuel Groome*, *Thomas Hart*, *Richard Mew*, *Ambrose Rigg*, *John Haywood*, *Hugh Hartshorn*, *Clement Plumstead*, *Thomas Cooper*, *Gawn Lawry*, *Edward Byllynge*, *James Braine*, *William Gibson*, *Thomas Barker*, *Robert Turner* and *Thomas Warne*, their Heirs and Assigns, all that Part, Share and Portion, and all those Parts, Shares and Portions, of all that entire Tract of Land, and all those entire Premises so granted by his said Royal Highness, unto the said *John Lord Berkely* and *Sir George Carteret*, and their Heirs, as in and by and upon the said Partition was and were vested in the said *Sir George Carteret* and his Heirs and there agreed to be called by the Name of *East New Jersey*, together with all Islands, Bays Rivers, Waters, Forts, Mines, Minerals, Quarries, Royalties, Franchises, and Appurtenances whatsoever to the same belonging, or in any wise appertaining; and all the Estate, Right Title, Interest, Reversion, Remainder, Claim and Demand whatsoever, as well in Law as in Equity, of his said Royal Highness JAMES, Duke of *York*, of, in, unto or out of the same, or any Part or Parcel of the same: As also the free Use of all Bays, Rivers and Waters, leading unto or lying between the said Premises, or any of them, in the said Parts of *East New-Jersey*, for Navigation, free Trade, Fishing or otherwise, TO HAVE AND TO HOLD unto the said Earl of *Perth*, *John Drummond*, *Robert Barckly*, *David*

Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne, their Heirs and Assigns forever, to the only Use and Belhoof of them the said Earl of *Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne*, their Heirs and Assigns forever, yielding and paying therefor yearly for the said whole entire Premisses unto his Royal Highness, his Heirs and Assigns, the yearly Rent of Ten Nobles of lawful English Money, at or in the middle Temple Hall, *London*, at or upon the Feast Day of *St. Michael*, the Archangel yearly. And the said *James, Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne*, do for themselves severally, and for their several and respective Heirs, Executors, Administrators and Assigns, covenant, promise and agree to and with his said Royal Highness, his Heirs and Assigns, to pay, or cause to be paid, the said annual Rent of Ten Nobles, on the Days and Times herein before limited for Payment thereof. AND THESE PRESENTS FURTHER WITNESS, that for the better enabling the said Earl of *Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn,*

Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllyng, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their Heirs and Assigns to improve and plant the said Premisses with People, and to exercise all necessary Government there, whereby the said Premisses may be the better improved, and made more useful to them, their Heirs and Assigns, and to the King's Majesty, His said Royal Highness hath likewise given and granted assigned and transferred, and doth by these Presents give, grant, assign and transfer unto the said Earl of *Perth, John Drummond, Robert Barclay, David Barclay, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Billinge, James Braine, William Gibson, Thomas Barker, Robert Turner*, and *Thomas Warne*, their Heirs and Assigns, Proprietors of the said Province of *East New Jersey* aforesaid, for the Time being, all and every such and the same Powers, Authorities, Jurisdictions, Governments, and other Matters and Things whatsoever, which by the said respective recited Letters Patents, or either of them, are or were granted, or intended to be granted, to be exercised by his said Royal Highness, his Heirs, Assigns, Deputies, Officers, or Agents, in or upon, or in Relation unto the said Premisses, hereby confirmed, or intended to be hereby confirmed, and every of them, in Case the same were now in the actual Seisen of his Royal Highness, to be held, enjoyed, exercised and executed by them the said Earl of *Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn*

Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their Heirs and Assigns, Proprietors of the said Province of *East New-Jersey*, for the Time being, as fully and amply to all Intents, Constructions, and Purposes, as his said Royal Highness, or his Heirs, might, could or ought to hold, enjoy, use, exercise or execute the same by force and virtue of the said several and respective before recited Letters Patents, or either of them, or any Thing in them, or either or any of them, contained or otherwise howsoever. PROVIDED ALWAYS, that these Presents be entered with the Auditor General of his said Royal Highness within two Months next after the Date hereof. IN WITNESS whereof the Parties above mentioned to these present Indentures, interchangeably have set their Hands and Seals, the Day and Year first above written.

James.

Sealed and delivered by his Royal Highness, in the Presence of
 Ro. WERDEN,
 WILLIAM CROFTS,
 JOHN ASHTON.

Minutes of Pennsylvania Provincial Council.

[From "Pennsylvania Colonial Records," Vol. I., p. 75.]

At a Council held at Philadelphia y 6th of y^e 4th Mo
 1683

PRESENT

W^m PENN, Prop^r and Gov^r of y^e Province of Pennsilvania
 and Counties annexed.

Ralph Withers,	Wm Clark,	Tho: Holmes
Chr: Taylor,	Wm. Haigue,	Lasse Cock

A Debate was held Concerning Lett^{rs} Sent from East Jersey to England, whereupon, Rob^t Stacey was cald in,

and he saith that if this Council would be pleased to make their Complaint, that y^e people of East Jersey will make them all y^e Satisfaction that can possibly be given.

Whereupon, James Harrison, Chris. Taylor & Tho: Holmes, were Deputed by Gov^r Penn, to goe to East Jersey and Communicate to y^e Gov^r & Council, their Certaine passages written to England, by some of their Province, as Injurious to the Welfare and Prosperity of this.

Adjourned till ye^e 8th day 4th Mo., 83.

*Form of Government for East Jersey.*¹

[From "Grants and Concessions," p. 153.]

The Fundamental CONSTITUTIONS for the Province of East New Jersey in America, Anno Domini 1683.

SINCE the Right of Government, as well as Soil, is in the Four and Twenty Proprietors, and that the same is confirmed to them a new by a late Patent from JAMES Duke of *York*, Pursuant of Patent granted to him from the King; the Proprietors for the well ordering and governing of the said Province, according to the Powers conveyed to them, do grant and declare, that the Government thereof shall be as followeth, viz.

I. That altho' the Four and Twenty Proprietors have formerly made choice of *Robert Barclay*, Esq; for Governor, during his natural Life, and to serve by a Deputy to be approved of by sixteen of the Proprietors, until he himself shall be upon the Place, which is by these Presents ratified and confirmed, to all Intents and Purposes: Yet after the Decease of the said *Robert Barckly*, or by Reason of his Malversation, the Proprietors shall find Cause to divest him of the Government, the Four and Twenty Pro-

¹ Agreed upon by sixteen of the twenty-four Proprietors.

prietors shall choose a Governor; in order to which it shall be in the Power of each of them to name One, and Sixteen of the Four and Twenty shall determine it: Which Governor shall be obliged to serve and reside upon the Place, and shall only continue for three Years; and if any shall directly or indirectly propound or advise the Continuance for any longer Time, or of new to choose him again, or his Son, within the three Years, it shall be esteemed a betraying of the publick Liberty of the Province; and the Actors shall be esteemed as publick Enemies; and the said Governor that shall be so continued, shall be reputed guilty of the same, not only by Reason of his acceptance of that Continuation, but also by Reason of any kind of Solicitation which he may directly or indirectly have endeavoured. If the Governor so do die before the three Years be expired, the Proprietors shall choose one to supply his Place, for the Time the other should held it, and no longer. *Provided*, that this Limitation of three Years abovementioned, do not extend to the Deputy Governor of *Robert Barclay*, for seven Years after the passing of those Constitutions, who may be for a longer Time than three Years, if the Proprietors see meet.

II. That for the Government of the Province, there shall be a great Council, to consist of the Four and Twenty Proprietors, or their Proxies in their Absence, and One Hundred Forty four to be chosen by the Freemen of the Province. But forasmuch as there are not at present so many Towns built as there may be hereafter, nor the Province divided into such Counties as it may be hereafter divided into, and that consequently no certain Division can be made how many shall be chosen for each Town and County; at present Four and Twenty shall be chosen for the eight Towns that are at present in being, and Eight and Forty for the County, making together Seventy two and with the Four and Twenty Proprietors, Ninety six Persons, till such Times as the great Council shall see meet to call the above mentioned Number of One Hundred

Forty four, and then shall be determined by the great Council, how many shall come out of each Town and County; but every Year they shall choose one third, and the first chosen shall remain for three Years, and they that go out shall not be capable to come in again for two Years after, and therefore they shall not be put in the Ballot in Elections for that Year: And in order to this Election, they shall in course meet in their several Boroughs and Counties the Six and Twentieth Day of *March*, beginning in the Year One Thousand Six Hundred Eighty four, and choose their several Representatives; whose first Day of meeting shall be the Twentieth of *April* afterwards; and they shall sit upon their own Adjournments, if they see meet, till the Twentieth of *July* following, and then to be dissolved till the next Year, unless the Governor and common Council think fit to continue them longer, or call them in the Intervail; but if any of those Days fall on the first Day of the Week, it shall be deferred until the next Day.

III. The Persons qualified to be Freemen, that are capable to choose and be chosen in the great Council, shall be every Planter and Inhabitant dwelling and residing within the Province, who hath acquired Rights to and is in Possession of Fifty Acres of Ground, and hath cultivated ten Acres of it; or in Boroughs, who have a House and three Acres; or have a House and Land only hired, if he can prove he have Fifty Pounds in Stock of his own: And all Elections must be free and voluntary, but were any Bribe or indirect Means can be proved to have been used, both the giver and acquirer shall forfeit their Privilege of electing and being elected forever: And for the full preventing of all indirect Means, the Election shall be after this Manner, the Names of all the Persons qualified in each County, shall be put in equal pieces of Parchment, and prepared by the Sheriff and his Clerk the Day before, and at the Day of Election shall be put in a Box, and Fifty shall be taken out by a Boy under

Ten Years of Age; these Fifty shall be put into the Box again, and the first Five and Twenty then taken out shall be those who shall be capable to be chosen for that Time; the other Five and Twenty shall by Plurality of Votes, name (of the aforesaid Twenty five) twelve, if there be three to be chosen, and eight if there be two to stand for it; these nominators first solemnly declaring before the Sheriff, that they shall not Name any known to them to be guilty for the Time, or to have been guilty for a Year before, of Adultery, Whoredom, Drunkenness, or any such Immorality, or who is Insolvent or a Fool; and then out of the Twelve or Eight so nominated, three or two shall be taken by the Ballot as abovesaid.

IV. It shall be the Priviledge of every Member of the great Council, to propose any Bill in Order to a Law, which being admittid to be debated, shall be determined by the Vote, wherein two Parts of three shall only conclude; but of this, twelve of the Proprietors, or their Proxies, must be assenting, which shall also be requisite after the Number of Freemen are double: Nor shall any Law be made or enacted to have force in the Province, which any ways touches upon the Goods or Liberties of any in it, but what thus passeth in the great Council; and whoever shall levy, collect or pay any Money or Goods without a Law thus passed, shall be held a publick Enemy to the Province, and a betrayer of the publick Liberty thereof: Also the Quorum of this great Council shall be half of the Proprietors, or their Proxies, and half of the Freemen at least; and in Determination, the proportionable assent of both Proprietors and Freemen must agree, viz, two Parts of whatever Number of Freemen, and one half of whatever Number of Proprietors are present.

V. For the constant Government of the Province there shall be with the Governor a common Council, consisting of the Four and Twenty Proprietors, or their Proxies, and Twelve of the Freemen, which shall be chosen by the

Ballot out of the Freemen of the great Council, and shall successively go off each Year as they do; which Common Council will thus consist of Six and Thirty, whereof they shall be three Committees; twelve for the publick Policy, and to look to Manners, Education and Arts; twelve for Trade and Management of the publick Treasury; and Twelve for Plantations and regulating of all Things, as well as deciding all Controversies relating to them: In each Committee Eight shall be of the Proprietors, or their Proxies, and four of the Freemen; Each of these Committees shall meet at least once a Week, and all the Thirty six once in two Months, and oftner, in such Places and at such Times as they shall find most convenient. And if it happen the Number of Freemen in the great Council to be doubled, there shall also be Twelve more of them be added to the Common Council; in this Common Council and those several Committees the one half shall be a Quorum, as in the former Article.

VI. All Laws shall be published and run in the Name of the Governor, Proprietors and Representatives of the Freemen of the Province, and shall be signed by two of the Proprietors, two of the Freemen, the Secretary and the Governor, or Deputy Governor for the Time being, who shall preside in all Meetings, and have two Votes, but shall no ways pretend to any negative Vote: But if he or they refuse to do his or their Duty, or be accused of Malversation, he shall be liable to the Censure of the Proprietors, and if turned out, there shall be another chosen to fullfil his Time as is abovesaid.

VII. Forasmuch as by the Concessions and Agreements of the former Proprietors, (*to wit*) the Lord *Berkeley* and Sir *George Carteret*, to and with all and every the Adventurers and all such as shall settle and plant in the Province in *Anno* 1664, it is consented and agreed by the six and seven Articles, that the great Assembly should have Power, by Act confirmed as there expressed, to erect, raise and build within the said Province, or any Part

thereof, such and so many Forts, Castles, Cities and other Places of Defence, and the same, or any of them, to fortify and furnish with such Provisions and Proportions of Ordnance, Powder, Shot, Armour and all other Weapons, Ammunition and Abilments of War, both Offensive and Defensive, as shall be thought necessary and convenient for the Safety and Welfare of the said Province; as also to constitute Train Bands and Companies, with the Number of the Soldiers, for the Safety, Strength and Defence of the aforesaid Province; to suppress all Mutinies and Rebellions; to make War Offensive and Defensive, against all and every one that shall infest the said Province, not only to keep the Enemy out of their Limits, but also, in Case of necessity, the Enemy by Sea and Land to pursue out of the Limits and Jurisdiction of the said Province. And that amongst the present Proprietors there are several that declare, that they have no freedom to defend themselves with Arms, and others who judge it their Duty to defend themselves, Wives and Children, with Arms; it is therefore agreed and consented to, and they the said Proprietors do by these Presents agree and consent, that they will not in this Case force each other against their respective Judgments and Consciences; in order whereunto it is Resolved, that on the one Side, no Man that declares he cannot for Conscience sake bear Arms, whether Proprietor or Planter, shall be at any Time put upon so doing in his own Person, nor yet upon sending any to serve in his stead. And on the other side, those who do judge it their Duty to bear Arms for the publick Defence, shall have their Liberty to do in a legal Way. In pursuance whereof, there shall be a fourth Committee erected, consisting of six Proprietors, or their Proxies, and three of the Freemen, that are to set in the other three Committees, which shall be such as to understand it their Duty to use Arms for the publick Defence; which Committee shall provide for the publick Defence without and Peace within, against all Enemies whatsoever; and shall therefore be stiled, the

Committee for the Preservation of the publick Peace: And that all Things may proceed in good Order, the said Committee shall propound to the great Council what they judge Convenient and Necessary for the keeping the Peace within the said Province, and for publick Defence without, by the said great Council to be approved and corrected, as they, according to exigence of Affairs, shall judge fit; the Execution of which Resolutions of the great Council shall be committed to the Care of the said Committee. But because through the Scruples of such of the Proprietors, or their Proxies, as have no freedom to use Arms, the Resolutions of the great Council may be in this Point obstructed, it is resolved and agreed, and it is by these Presents resolved and agreed, that in Things of this Nature, the Votes of these Proprietors shall only be of Weight at such Time or Times as one of these two Points are under Deliberation, which shall not be concluded where Twelve of the Proprietors and two Thirds of the whole Council, as in other Cases, are not consenting, (that is to say) First, whether, to speak after the Manner of Men, (and abstractly from a Man's Perswasion in Matters of Religion) it be convenient and suitable to the present Condition or Capacity of the Inhabitants, to build any Forts, Castles or any other Places of Defence? If yea; where and in what Places (to speak as Men) they ought to be erected. Secondly, whether there be any present or future foreseen Danger, that may, (to speak as Men without respect to ones particuar Perswasion in Matters of Religion) require the putting the Province into a Posture of Defence, or to make use of those Means which we at present have, or which, from time to time as occasion may require, according to the Capacity of the Inhabitants, we may have; which Ability and Conveniency of those Means of Defence, and (to speak as Men without respect to any Man's Judgment in Matters of Religion) the necessity of the actual Use thereof, being once resolved upon; all further Deliberations about it, as the raising of Men,

giving of Commissions both by Sea and Land, making Governors of Forts, and providing Money necessary for maintaining the same, shall belong only to those Members of the Great Council who judge themselves in Duty bound to make Use of Arms for the Defence of them and theirs. PROVIDED, that they shall not conclude any Thing but by the Consent of at least five Parts out of six of their Number; and that none of the Proprietors and other Inhabitants may be forced to contribute any Money for the Use of Arms, to which for Conscience sake they have not freedom, that which is necessary for the publick Defence, shall be borne by such as judge themselves in Duty bound to use Arms. PROVIDED, that the other, that for Conscience sake do oppose the bearing of Arms, shall on the other Hand bear so much in other Charges, as may make up that Proportion in the general Charge of the Province. And as the refusing to subscribe such Acts concerning the Use and Exercise of Arms abovesaid, in the Governor and Secretary, if scrupulous in Conscience so to do, shall not be esteemed in them an Omission or neglect of Duty, so the wanting thereof shall not make such Acts invalid, they being in lieu thereof, subscribed by the major Part of the six Proprietors of the Committee for the Preservation of the publick Peace.

VIII. The choosing the great and publick Officers, as Secretary, Register, Treasurer, Surveyor General, Marshal, and after Death or turning out of those now first to be nominated, shall be in the Governor and Common Council; as also of all Sheriffs, Judges, and Justices of the Peace. But upon any Malversation or Accusation, they shall be liable to the Examination and Censure of the great Council, and if condemn'd by them, the Governor and Common Council must Name others in their Places.

IX. PROVIDED, That all Boroughs shall choose their own Magistrates, and the Hundreds in the County, their Constables or under Officers, in such Manner as shall be agreed to by the great Council.

X. Forasmuch as by the Patent, the Power of pardoning in capital Offences, is vested in the Four and Twenty Proprietors; it is hereby declared, that the said Power of pardoning shall never be made Use of but by the Consent of Eighteen of the Proprietors, or their Proxies: Nevertheless, it shall be in the Power of the Governor, in Conjunction with four Proprietors, who for the Time are Judges of the Court of Appeals, to reprove any Person after the Day of Execution appointed, for some time, not exceeding a Month.

XI. The four and Twenty Proprietors, in their Absence may Vote in the Great and Common Council by their Proxies; One Proprietor may be Proxy for another, yet so as not but for one, so that none can have above two Votes: The Proxies of the Proprietors must be such as has Shares in Properties not under a Twentieth Part.

XII. That whoever has any Place of publick Trust in another Province, tho' a Proprietor, shall not sit in the great or common Council, but by their Proxies, unless thereunto particularly called by the one or other Council.

XIII. Whatever Proprietor doth not retain at least one fourth Part of his Propriety, *viz.* one Ninety sixth Part of the Country, shall loose the Right of Government, and it shall pass to him who has the greatest Share of that Propriety, exceeding the above mentioned Proportion: But if two or three has each one Ninety sixth Part, they shall have it successively Year about, like as when a Propriety is in two Hands, he who is upon the Place, if the other be absent, sick or under Age, shall still have it; but if both there, then by Turns as abovesaid; and if in a provided Propriety all be absent, the Proxies must be constituted by both; if but two or the greater Number if there be more. And if any who sells a Part of his Propriety, and retains one Ninety sixth Part and the Title of the Government Portion be absent, whoever has Shares for him, not under one Ninety sixth Part, being present, shall set for him, whether having a Proxy or not; and if there

be more than one, it shall go by Turns as above. But because after sometime by Division among Children, it may happen that some one Twenty fourth Part may be so divided, that not any one may have one fourth Part of a Propriety, or one Ninety sixth Part of the whole, in that Case the Proprietors shall elect one having not under one Ninety sixth Part, to bear the Character of the Government for that Propriety: But if the County shall fall to be so divided, that there shall not be found four and Twenty Persons who have one Ninety sixth Part each; then whoever has Five Thousand Acres, shall be capable to be chosen to be one of the four and Twenty, and that by the rest of the Proprietors, by the Ballot, each having privilege to list one; but this not to take Place till Forty Years after the settling of these Constitutions: And if Twenty Years after the Expiration of the Forty Years above mentioned, it shall fall out that four and Twenty Persons cannot be found who have each Five Thousand Acres, it shall be then in the Power of the great Council to make a less Number of Acres sufficient to carry the Character of the Government, provided they bring it not under three Thousand Acres (the Proprietors being always Electors as abovesaid) No Proprietor under One and Twenty Years shall be admitted to Vote, but during Non-age there shall be a Proxy appointed by the Tutor, and failing that, by the other Proprietors.

XIV. In all Civil and Ordinary Actions, the Proprietors shall be judged after the same manner, and lyable to the same censure with any other; but in all cases that are Capital, or may inferr for Forfeiture of their Trust or Proprietorship, they shall be adjudged by a Jury of Twelve of the Proprietors, or their Proxies, or such as has Share in a Propriety not under one Twentieth Part; the Bill being first found relievant against them by a Grand Jury of Twelve Proprietors and Twelve free Men to be chosen by the Ballot, as in Article nineteen.

XV. For preserving a right ballance, no Proprietor

shall at any Time require or purchase more than his one Four and Twentieth Part of the Country ; but if by any accident, more fall into the Hands of any of the Proprietors, he may be allowed to dispose of it to his Children, tho' under Age, yet not so as to acquire to himself more than one Vote besides his own ; but if such an acquirer have no Children he shall be obliged to sell it within one Year after he has acquired it, nor shall he evade this by putting in anothers Name in Trust for him ; but shall upon his Assignment solemnly declare himself to be realy and effectually divested of it for the proper use of him it is assign'd to : And if within three Years he find not a Merchant, he shall be obliged to dispose of it at the Current Rate to the rest of the Proprietors, to be holden in common by them, who shall appoint one to bear that Character in the Government, untill such a Share of it fall in one Hand, by a former Article may render him capable, by the consent of two Parts of the other Proprietors, to have the Power devolved in him ; and if by this or any other Accident one or more Votes be wanting in the Interem, the Proprietors shall name others quallified as above to supply their Places.

XVI. All Persons living in the Province who confess and acknowledge the one Almighty and Eternal God, and holds themselves obliged in Conscience to live peaceably and quietly in a civil Society, shall in no way be molested or prejudged for their Religious Perswasions and Exercise in matters of Faith and Worship ; nor shall they be compelled to frequent and maintain any Religious Worship, Place or Ministry whatsoever : Yet it is also hereby provided, that no Man shall be admitted a Member of the Great or Common Council, or any other Place of publick Trust, who shall not profess Faith in *Christ-Jesus*, and solemnly declare that he doth no ways hold himself obliged in Conscience to endeavour alteration in the Government, or seeks the turning out of any in it or their ruin or prejudice, either in Person or Estate, because they are in his

Opinion Hereticks, or differ in their Judgment from him : Nor by this Article is it intended, that any under the Notion of this Liberty shall allow themselves to avow Atheism, Irreligionsness, or to practice Cursing, Swearing, Drunkenness, Prophaness, Whoring, Adultery, Murdering or any kind of violence, or indulging themselves in Stage Plays, Masks, Revells or such like abuses ; for restraining such and preserving of the People in Diligence and in good Order, the great Council is to make more particular Laws, which are punctually to be put in Execution.

XVII. To the end that all Officers chosen to serve within the Province, may with the more Care and diligence Answer the Trust reposed in them ; it is agreed, that no such Person shall enjoy more than one publick Office at one Time : But least at first before the Country be well Planted, there might be in this some Inconveniency, it is declared, that this shall not necessarily take Place till after the Year 1685.

XVIII. All Chart, Rights, Grants and Conveyances of Land (except Leases for three Years and under) and all Bonds, Wills, and Letters of Administration and Specialties above *Fifty Pounds*, and not under six Months, shall be Registred in a publick Register in each County, else be void in Law : Also there is to be a Register in each County for Births, Marriages, Burials and Servants, where their Names, Times, Wages and Days of Payment shall be Registred ; but the Method and Order of settling those Registers is recommended to the great Council ; as also the Fees which are to be moderate and certain, that the taking of more in any Office, directly or indirectly by himself or any other, shall forfeit his Office.

XIX. That no Person or Persons within the said Province shall be taken and imprisoned, or be devised of his Freehold, free Custom or Liberty, or be outlawed or exiled, or any other Way destroyed ; nor shall they be condemn'd or Judgment pass'd upon them, but by lawful Judgment

of their Peers : Neither shall Justice nor Right be bought or sold, deferred or delayed, to any Person whatsoever : In order to which by the Laws of the Land, all Tryals shall be by twelve Men, and as near as it may be, Peers and Equals, and of the Neighbourhood, and Men without just Exception. In Cases of Life there shall be at first Twenty four returned by the Sheriff for a Grand Inquest, of whom twelve at least shall be to find the Complaint to be true ; and then the Twelve Men or Peers to be likewise returned, shall have the final Judgment ; but reasonable Challenges shall be always admitted against the Twelve Men, or any of them : But the Manner of returning Juries shall be thus, the Names of all the Freemen above five and Twenty Years of Age, within the District or Boroughs out of which the Jury is to be returned, shall be written on equal Pieces of Parchment and put into a Box, and then the Number of the Jury shall be drawn out by a Child under Ten Years of Age. And in all Courts Persons of all Perswasions may freely appear in their own Way, and according to their own Manner, and there personally plead their own Causes themselves, or if unable, by their Friends, no Person being allowed to take Money for pleading, or advice in such Cases : And the first Process shall be the Exhibition of the Complaint in Court fourteen Days before the Tryal, and the Party complain'd against may be fitted for the same, he or she shall be summoned ten Days before, and a Copy of the Complaint delivered at their dwelling House : But before the Complaint of any Person be received, he shall solemnly declare in Court, that he believes in his Conscience his Cause is just. Moreover, every Man shall be first cited before the Court for the Place where he dwells, nor shall the Cause be brought before any other Court but by way of Appeal from Sentence of the first Court, for receiving of which Appeals, there shall be a Court consisting of eight Persons, and the Governor (protempore) President thereof, (*to wit*) four Proprietors and four Freemen, to be chosen out of the

great Council in the following Manner, *viz.* the Names of Sixteen of the Proprietors shall be written on small pieces of Parchment and put into a Box, out of which by a Lad under Ten Years of Age, shall be drawn eight of them, the eight remaining in the Box shall choose four; and in like Manner shall be done for the choosing of four of the Freemen.

XX. That all Marriages not forbidden in the Law of God, shall be esteemed lawful, where the Parents or Guardians being first acquainted, the Marriage is publicly intimated in such Places and Manner as is agreeable to Mens different Perswasions in Religion, being afterwards still solemnized before creditable Witnesses, by taking one another as Husband and Wife, and a certificate of the whole, under the Parties and Witnesses Hands, being brought to the proper Register for that End, under a Penalty if neglected.

XXI. That all Witnesses coming or called to testify their Knowledge in or to any Matter or Thing in any Court or before any lawful Authority within the Province, shall there give and deliver in their Evidence by solemnly promising to speak the Truth, the whole Truth and nothing but the Truth, to the Matter in Question. And in Case any Person so doing shall be afterwards convicted of willful Falsehood, both such Persons as also those who have proved to have suborn, shall undergo the Damage and Punishment both in Criminal and in Civil; the Person against whom they did or should have incurred, which if it reach not his Life, he shall be publicly exposed as a false Witness, never afterwards to be credited before any Court; the like Punishment in Cases of Forgery, and both Criminals to be stigmatized.

XXII. Fourteen Years quiet Possession shall give an unquestionable Right, except in Cases of Infants, Lunatics or married Women, or Persons beyond Sea or in Prison. And whoever forfeits his Estate to the Government by committing Treason against the Crown of *Eng-*

land, or in this Province, or by any other capital Crime, the nearest of Kin may redeem it within two Months after the Criminals Death, by paying to the publick Treasury not above one Hundred Pounds, and not under five Pounds Sterling, which Proportion the common Council shall determine, according to the Value of the Criminals Estate, and to the Nature of the Offence; Reparation to any who have suffered by him, and Payment of all just Debts being always allowed.

XXIII. For avoiding innumerable Multitude of Statutes, no Act to be made by the great Council shall be in Force above Fifty Years after it is enacted; but as it is then *de novo* confirmed, always excepting these four and twenty Fundamental Articles, which, as the primitive Charter, is forever to remain in force, not to be repealed at any Time by the great Council, tho' two Parts of the Council should agree to it, unless two and Twenty of the four and Twenty Proprietors do expressly also agree, and Sixty six of Seventy two Freemen; and when they are one Hundred Forty four, one Hundred Thirty two of them; and also this assent of the Proprietors must be either by their being present in their own Persons, or giving actually their Votes under their Hands and Seals (if elsewhere) and not by Proxies; which solemn and express assent must also be had in the opening of Mines of Gold and Silver; and if such be opened, one third Part of the Profit is to go to the publick Treasury; one third to be divided among the four and Twenty Proprietors, and one third to Proprietor or Planter in whose Ground it is; the Charges by each proportionably borne.

XXIV. It is finally agreed, that both the Governor and the Members of the great and common Council, the great Officers, Judges, Sheriffs and Justices of the Peace, and all other Persons of publick Trust, shall before they enter actually upon the Exercise of any of the Employes in the Province, solemnly promise and subscribe to be true and faithful to the KING of *England*, his Heirs and Suc-

cessors, and to the Proprietors, and he shall well and faithfully discharge his Office in all Things according to his Commission, as by these Fundamental Constitutions is confirmed, the true Right of Liberty and Property, as well as the just Ballance both of the Proprietors among themselves, and betwixt them and the People: It's therefore understood, that here is included whatever is necessary to be retained in the first Concessions, so that henceforward there is nothing further to be proceeded upon from them, that which relates to the securing of every Man's Land taken up upon them, being allways excepted. *And Provided also*, that all judicial and legal Proceedings heretofore done according to them, be held, approved and confirmed.

Drummond. Robert Burnet. Bar. Gibson. Robert Gordon. Gawn Lawry. Perth. William Gibson. William Dockwra. Thomas Hart. Thomas Barker and as Proxy for Ambrose Riggs. Clement Plumstead, Proxy for Barclay. Ar. Sonmans. Robert Turner and Thomas Cooper.

Note.—It appears on Reading the foregoing Instrument, that in sundry Places the Sense is not compleat, but it is likely to be occasioned by Omissions and neglects in Recording, and therefore if the Original can be come at, it will be proper to re-examine the foregoing Copy therewith.

Robert Barclay's Commission to be Governor is not upon Record, but his Commission for that Office during Life, is recited at length in his Commission to *Gawn Lawrie* to be his Deputy, and which is copied.

He had no doubt a temporary Commission before the Proprietors gave him that during Life, because he appointed *Thomas Rudyard* his Deputy Governor before the Date of the last mentioned, and he continued till *Lawrie* superseded him, but as his Commission is very short and *Lawrie's* more full, besides the Recital of *Barclay's*, it is thought sufficient to Copy that and that only, because there seems nothing material to be taken notice of in the succeeding Commissions.

See a few Pages further, a Declaration what the Planters settled before the present Proprietors bought the Province, are to do before they are to have the Benefit of the foregoing Constitutions.

Letter of the Proprietors of East Jersey to the Planters.

[From "Grants and Concessions," p. 167.]

To the Planters and Inhabitants of the Province of East Jersey in America, ROBERT BARCLAY, Governor and Proprietor, and the other Proprietors of the said Province, send Greeting.

SINCE it hath pleased Almighty God to order it so by his Providence, as to give us the Interest we have in this Province whereupon you reside, We desire nothing more then to approve ourselves in this Station as you may find yourselves happy in this our Purchase: And we do not only hold ourselves obliged by the Laws of God, and just Laws of Men, but our own Interest, to use all lawful and honest Means to make that Plantation Prosperous, which as it cannot be without your sharing in the Advantage of it, so the Satisfaction and Benefit we propose to ourselves is by the good Success of your Affairs, which we are resolved to advance, knowing that your Interest is now so bound up with ours, that we cannot suffer if you Prosper, nor Prosper where you are injured, THEREFORE have we sent over to you two of our Number, honest and prudent Men, by whose good Advice and Assistance we hope the Plantation will be benefited, and in a great Measure settled. We have given them Instructions, and we are confident of their Readiness therein to shew themselves not only just, but kind and friendly towards you, to confirm the Rights of such as are there planted upon the Concessions already granted, and supply the defects where any want a sufficient Right upon equal and easy Terms; and so do every Thing else that towards the good Government and Advantage of the Colony may be needful: They can

acquaint you, that there are concern'd with us who are very capable in many respects, both to advance our just Interest and protect us from those that may attempt to hurt us. And we will be very glad to hear that all Things proceed with a good Harmony, so that we may have only Occasion to use our Interest and Authority to encourage you, and shall be well satisfied there be no need of that which must take Place for suppressing the stubborn and obstinate; but we will hope to find none such among you; but that the Justice and Generosity of our Intentions will oblige all to a careful compliance with our just and friendly Demands; so committing you all to the Protection of Almighty God, we remain your real Friends,

Barclay ~~to~~
 Tho: Hart W. M. Gibson
~~W. M. Gibson~~ Ambrose Rigg
 Robert Murney;
 John Heywood Tho: Cooper
 Hugh Hartshorne [THOMAS WILCOX.] Robt West
 & Tho: Barker Perth
Trummers

Letter from James Nevill to Governor Penn.

[From " Pennsylvania Archives," Vol. I., p. 56.]

Gov^r PENN :

I have herewth sent thee an acc^t of the Lands sold and taken vp in these ptes ; I desire thee to take the towne of Salem into thy lott ; John ffenwick has no acknowledgem^t due to him from any one in this towne ; and if he should keepe his Court Leete and Court Barron here, it would much weaken o^r Authority, and p^{ties} would be made, Some for Joⁿ ffenwick's Court, others y^r Com^{rs}, most out of ord^r ; I foresee the inconveniency that will attend this if J. ff. comes to Exercise Jurisdiction here ; I hope the Neck of land between Oldmans-Creeke & Salem, is in thy remembrance, and wilbe brought into thy lymitts, otherwise both Towne and Country wilbe of little value ; I cannot but be concerned for the people here, who earnestly desires to be vnder thy protection, being confidently pswaded thou wilt imploy thy pow^r for their good, and make it thy worke to p^{re}cure their Safety. [1] at w^{ch} time thy p^{re}sence would be very acceptable to thy Reall and affectionate Friend

Salem, ye 23d 3 mo 1683

JAMES NEVILL

For Gov^r WM. PENN, These, with care & speed.Lands Sold, &c by John ffenwick Since his Conveyance made to Jon. Edridge & Edmond Warner ²

<i>Cohanzey.</i>		ACRES	<i>Christany-neck.</i>		ACRES
To Sam ^l Hedges		2.000	Andrew Sinicka, &c. . .		0.900
Rich ^d Guy		1.000	<i>Finns-pointe.</i>		
Thomas Smith		0.250	Erigge Yearins, &c. . .		1.000
Rich ^d Lippincott		1.000	<i>Maneten.</i>		
W ^m Shaddock		0.250	Tho. Watson		0.200
W ^m Waythman		0.250	Marke Reeve		0.400
James Peirce		0.250	Edw ^d Web		0.300
W ^m Worth		0.250	Rich ^d Tindall		0.200
Geo. Morton		0.500	Isaac Burges		0.300
W ^m Johnson		0.250			
Ben. Bourden		0.800			
to another		1.000			
<i>Bout-towne.</i>					
Mathias Nelleson, &c . .		1.000	Andrew Andras &c . . .		12.100
					00.400
			Total is		12.500

1 Part of a line or two here defaced. Ed.

2 Presumed to have been transmitted in the preceding letter, of March 3, 1682-3. Ed.

I am informed of more layd out by his Survey^r w^{ch} is not Certainly Known to thy affectionat friend

JAMES NEVILL

Lands Sold by Jon Fenwick in England, and taken up as followeth, (viz.)

<i>Cohanzey & Alloways Creeke</i>		<i>Oldmans-Creeke</i>	
	ACRES		ACRES
John Adams,	2,000	Roger Pederick	01,000
Joshua Berkstead,	5,000		
Richard Noble,	2,000	Sold and taken vp since	
W ^m Hewes,	0.500	his Arrivall	
John Maddocks,	1,000	<i>Cohanzey</i>	
Tho. Anderson,	1,000	Thomas Smith	01,000
Edmund Gibbon	6,000	James Peirce & W ^m Waith-	
Henry Salter,	10,000	man	00,500
Edw ^d Bradway	02,000	W ^m Worth & Ja. Peirce	00,500
Edw ^d Wade	01,000	W ^m Johnson & Tho. Smith	00,500
Rob ^t Wade	00,500		
W ^m Hancock	01,000	<i>Salem-Creeke</i>	
Xopher White	01,000	One Bowyer	01,000
W ^m Malsten	05,000	to seaverall finns	00,900
Tho. Chaunders	05.500	<i>Finns-pointe</i>	01,000
James Wasse	05,000	<i>Bought-towne</i>	01,000
Charles Bayley	00,500	Sam ^l Hedge	02,000
Widdow Smith	00,500	John fenwick in his own	
W ^m Penton	00,500	possession	10,000
John Smith	02,000	Tho. Watson	00,200
Rich ^d Hancock	00,500	Marke Reeve	00,400
Roger Hieckins	00,500	Rich ^d Tindall	00,210
Edw ^d Champneys	02,000	Edw ^d Web	00,200
Sam ^l Nicolson	00,500	Widow Daniell	00,300
		Anthony Dixon & Isaac	
<i>Packa-go-mack</i>		Burges	00,300
Hyppolite Lefeaver	03,000	Rich ^d Guy	01,800
John Pledger	03,000		
			22,810
<i>Salem-Ureeke</i>		brought from ye other side	73,000
Sarah Pyle	10,000		
Michael Barron	01,000		
Tho. Budde	00,500	Total is	95,810 1

1 This total, in the "Pennsylvania Archives," from which this is copied, is given as 88,100, which evidently is not the result of the addition. Probably in the original the names in the previous document, which are here repeated, were not included: and the sums opposite some of these names do not correspond. ED.

I am informed he sold 148,000 acres in England, and showed a schedule thereof to Thomas Woodroofe, the last yeare, Acknowledgeing the same to be true.

*Commission from William Penn, Governor of Pennsylvania, to Commissioners, to Treat with West Jersey.*¹

[From "Pennsylvania Archives," Vol. I., p. 58.]

WM. PENN, Proprietary and Governor of ye Province of Pensilvania, and ye Territories thereunto belonging.

To his trusty friends and Counsellors, CHRISTOPHER TAYLOR, JAMES HARRISON, THOMAS HOLMES, THOMAS WINNE, Greeting.

Reposing special Confidence in y^r Wisdom and Integrity, I do hereby appoint and impower you my commission^{rs} in my name as Governor & Proprietary of this Province and Territories aunexed, to treat, transact and conclude with y^e Governor and Counsell of West Jearsey concerning the satisfaction I have demanded in a Letter to y^e s^d Governor and Counsell for certain great Wrongs and Injustice done unto me and this Province by some of y^e Inhabitants of their Colony. As also to settle a right understanding between me and y^m about the Trade and the Islands therein and w^{soever} you shall do herein, I do hereby ratifie and confirm and this shall be to you a sufficient credential. Given at Philadelphia y^e 11 day of y^e 4th Mo. in y^e 35 year of y^e Reign of y^e King, and y^e Third of my Government. W. P.

¹ It will be observed, in reference to the Minutes of the Pennsylvania Provincial Congress, under date of June 6th, 1683, that the Governor was authorized to appoint Commissioners to *East* Jersey. It is presumed that, as similar causes of complaint existed against both Provinces, he sent his Commissioners also to West Jersey. ED.

Instructions to the Comm^{rs} to W Jearsey, 1683.

Instructions and limitations to my Commissioners, C. T., J. H., T. H., T. W., in ye present Treaty wth the Governmt and Counsell of West Jearsey, in their Commission, Dated the same Day wth the Date hereof.

1. So soon as you shall arrive at Burlington, take care to make known to y^e Govern^r and Councell, y^t you are sent in my name to treat wth y^{em} about some Provincial Business, and therefore desire a time y^t you may be heard.

2. When you appear, one of you give my lett^r into y^e Govern^{rs} hand, aft y^t is read produce your Commission or Credential.

3. Begin wth y^e General Proof of y^e General part of y^e Charge observing to read James Claypool, & my wife's letters last. When this is done, ask their opinion, whether they look upon y^e General Charges to be proved, or deny these testimonies.

4. If they allow y^e General Charges to be proved by y^e Authority of these Testimonies, proceed to charge Tho. Mathews by name and produce y^e Lett^r to J^{no}. Goodson or any other you shall have, expressly charging him in this matter w^{ch} that is done and, 5. y^e proof allowed demand Satisfaction first in General by a certificate under their hands to give the lye to such rumors, wth a Proclamation in y^e Colony disowning such things and forbidding any such scandalous Reflections for y^e time to come. And secondly satisfaction in particular agst Tho. Mathews either by a great fine as £500 sterling or publick Paper affixed to y^e Court house of Burlington, declaring his evil and for y^e same banishing him six months out of this colony and making him forever incapable of any Office in it or according to y^e Civil Law to deliver him up to be tryed in this Province, according to y^e Laws thereof; in all w^{ch} you are to take notice y^t I do not allow you to deviate in any point, save Banishment; 6. And if none of all these Punishments are by y^m agreed to, nor nothing tending to ye same,

I do hereby order you to make y^s Protest agst ye s^d Govern^r and Councill, and their Refusall, and so wth a meek and quiet, yet grave behaviour, to return.

7. Lastly, whatever is assented to or denyed be sure to take down in writing, y^t you may be able to give me an exact acc^t of ye minutes of y^r audience and Conference in all w^{ch} God Almighty direct you first in Truths way as Christians and Bretheren, and if th^t will not do secondly as faithful Councillors to me and Patriots to the Province. Given at Philadelphia the 11th day of ye 4th^{mo.}, 1683, being the 35th year of the Reign of ye King and ye 3d year of my Government.

And after all this is ended insist upon my Title to ye River, Soyl and Islands thereof according to Grant, and if they will deliver up peaceably ye Island of Matinicum and Sepassing, return one-half of ye Island Matinicum before ye Town according to my former clemency, believing ye Generality hath done me no wrong, and therefore am unwilling to withdraw my kindness to the General Good, for ye other admit no manner of Parley, demand positively, and if they refuse, let w^t follows lye at their door. Whatever bee ye Argument, they are bounded Westward by the River Delaware, yⁿ they cannot go beyond low water mark for land. They have ye Liberty of ye River, but not ye Propriety. The rest I leave to y^r own understandings to suggest.

WM. PENN to the Governor and Council of West
Jersey

To my much respected friend ye Governor, and to my
well respected friends ye Counsell of West Jearsey.

In ye unfeigned Love of God I greet you, wishing ye
Increase of all Heavenly and Earthly Blessings w^h y^e God
of Love and Peace hath promised to his chosen. It is with

some sorrow y^t I have this occasion of writing to you wth whom I could alwise desire to have a most loving and intire correspondence, and will hope it shall not be in ye Power either of ye Indiscretion or Injustice of some to lessen my good esteem for ye Generality. But so it is, y^t I have sustained and wth me all interested in the Prosperity of this Province, great, and as I conceive irreparable injuries by some members of your Colony. England is filled wth a noise of Warrs in Pensilvania, between ye Inhabitants thereof and ye Lord Baltimore and his Province; y^t some were killed, and y^t y^e Lord Baltimore claimed all ye land from Upland to ye falls of Delaware, so y^t w^t rested to me was very inconsiderable, because I had no place where ship or boat could come. Of this ye Chainge, Coffee Houses, Bookseller's Shops and Country rings, thereby discouraging hundreds ready to purchase, and to come, and provoking others y^t have purchased and not paid to fling up their deeds, all w^{ch} most false and injurious Reports are flung upon some of ye inhabitants of West Jearsey, a wrong and cruelty of true transcending w^{ht} yet I have met wthin ye World from ye worst of men, but th^t which aggravates the troubles as well as evil, is a violation of ye Bands of Truth and Tyes of Gratitude, thereby exciting men to seek ye utmost Revenge, and all y^t will and force I have could accomplish. But I will tell you and y^t wth comfort to my soul, I am of a better spirit and of more heavenly policy. I know y^t lyes are short lived, and y^t pe patience of ye sufferer shall both outlive ye *effects of such malice*. I would putt it up if it were to be done, and had not a fresh Cry pursued ye former Intelligence, you had hardly ever heard any more of it. But it being nationally divulged and becom a Provincial wrong, and as such complained of in y^e provincial Council of this province. It was yⁿ unanimously resolved upon y^s a request made to me, y^t I would forthwith dispatch Commissioners to you ye Govern^r and Councill of West Jearsey to complain of ye Wrongs aforesaid, and in ye

name of ye Govern^r and Council of this Province and Territories, thereunto annexed to demand satisfaction, a thing as it is reasonable on our parts to expect, so most just on yours to grant, in order to which I have appointed and Commissioned my Trusty friends and Counsellors, Christopher Taylor, James Harrison, Tho. Holmes and Thos. Winne, to transact and conclude of all matters relating to this affair, as also ye final establishment of a right understanding between us concerning ye River and Islands. I have no more to add but ye endeared remembrance of my love, and to tell you I cannot but believe y^t you will take my great Wrong and Suffering unto your serious consideration, and do me y^t Justice w^{ch} shall acquit you as just men in ye righteous Day of God. I am

Your loving neighbor and sincere friend

W. P.

Phila., ye 11th^{mo.}, of y. 4th [11th of 4th mo. ?] 1683

WM. PENN to the GOV. & Council of West Jersey

PHILADELPHIA, ye 20th 4^{mo}, 1683

DEAR FRIENDS

I do in ye love of God & Tenderness of his Truth, dearly salute you, wishing unto you ye Increase of Peace & Comfort, inward and outward, from ye God & Father of all Blessings.

Yours by ye hands of ye Commission^{rs}, and my esteemed Friends, Thos. Budd, John Gosnell, Henry Stacy & Mark Newby, dated Burlington, ye 16th 4th mo, 83, are come to my hands, and upon ye Perusal of y^m in ye presence both of my Counsell & y^r Commission^{rs}, I have this to say : First y^t I am not w^tout a sense of ye Justice and kindness therein, esteeming y^r Contradiction & Refutation close & Pathetical, but there seems to me an omission of one thing

material respecting y^rselves y^t since ye Charge lyeth generally upon some of West Jearsey it was not exprest in some such manner as followeth. And Whereas we are informed by Lett^{rs} from Credible persons out of England, y^t some of this Province of West Jearsey have written such storys. If any such Lett^{rs} have been written by any member of this Province, We do &c, the words are left to you, to express in such way and manner as you shall in wisdom think fitt.

2^d If you please omit anything besides ye Denyal & Contradiction of these false Rumors in your certificate, I consider it will be far more suitable as well to ye matter as my request, & ye rather Because ye L^d Baltimore hath nothing to do wth running ye line on Delaware River.

3^dly. I cannot but declare myself dissatisfied with Thos. Mathews Explanation because it is hard for me & my Council, to conceive what other reason he could have to mention y^t affrightening cruelty committed at Lewis als Whorekills by ye Lord Baltimore's soldiers so long agoe, & out of date at ye same time, and in ye same Lett^r when he writt of ye Lord Baltimore's Claime upon Delaware, if not to terrifie People from settling in a country where any part lay wthin in ye pretensions of such a man. If yo^r sense of him, wth his own dark explanation & ye freedom he frequently takes of indecent talk & reflections upon me & my concerns carry you not farther, I shall wave to press you at this time.

Lastly you are pleased to say y^t as to ye River & Islands ye are willing at ye present to be Passive, takeing it not Proper for you to manage & yet y^r Commissioners press me about ye right to river. We have discoursed so farr as they could go for having neither ye Grant wth you upon whi^{ch} ye right ariseth, nor yet a Plenipotentiary Commission to conclude articles of settlem^t, we cannot so much as regularly and profitably treat of ye business: But this I will say in general y^t nothing shall be wanting on my part,

wth ye L^{ds} Assistance to assure you & confirm you of ye true & tender regard I have to ye prosperity of West Jearsey & ye Governm^t & People thereof, w^{ch} ends this from,¹ Your faithful fr^d & Loving Neighbor.

Memorial from Salem, N. J., to Governor Jennings.

[From "Pennsylvania Archives," Vol. 1., p. 75.]

TO SAMUEL JENNINGS, Governour and ye Members of Council of West New Jersey elected and chosen by ye Proprietors thereof, in Assembly met ye day of Month 1683.²

We ye free People of ye Town & Jurisdiction of Salem, having taken into our serious consideration ye present state of this Country, & calling to mind, wth w^t Charge & Hazard we have transported ourselves & Families into these remote parts of ye World, & how we have laboured ever since our Arrival, under many Perils & Difficulties, for ye Settlement thereof in a good and Prosperous Condition, & weighing well in ourselves y^t nothing can more readily conduce to our present, and Childrens future Tranquillity & Happiness, then a fair and just settlement of our Foundations, both wth respect to Property & Governm^t & ye Inabitants' just Interest in both, and further, calling to remembrance ye foot we first engaged upon in our Native Land, and ye Danger of deserting those good beginnings layd wth so much Deliberation & Unity & w^{ch} were once of such moment with us, y^t it was thought fitt.

1 In consequence of this correspondence, the Assembly of West Jersey, at a meeting held at Burlington, September 5th, 1683, directed that "the Proprietary, &c. of the Province of *Pennsylvania*, be treated with in reference to the Rights and Priviledges of this Province, to or in the River Delaware," and William Welch, Samuel Wills and William Peachee were nominated to act "with the Governor and so many of his Council as he shall think fit" in relation to the matters referred to. "Grants and Concessions," pp. 430-1. ED.

2 This document, having no signatures nor date, and the initials only being used in the body of it, instead of the names in full, is presumed to have been taken from a first draft. The Assembly, to which it was addressed, is thought to have met at Burlington on the 2d of May, 1683, on the 11th of which month, Samuel Jennings, appointed Deputy Governor by Edward Byllynge, was elected Governor. See "Grants and Concessions," pp. 471-2. ED.

y^t without subscribing to y^m could not, & some therefore, to this day have not enjoy'd their Property & Estates, in this country, to witt ye Concessions signed in England, and hereby ye Freeholders as ye Agreement of ye People for the frame of ye Govern^t of this Province, & finding as yet, after all our patient waiting for a Confirmation thereof to us & our posterity, y^t we might live wth Security & dye wth Comfort & Hope for our Children, to gett after ye many engagements of E. B., W. P. G. L. & N L., ye Government confirmed to us, it is transferred & settled to E. B. & his Heirs and Assignes, whereby our first Grant is broken, instead of being more clearly ratified, & y^t w^{ch} was & is ours as much as ye Govern^t of East Jersey was S^r G. Cartwright's, & is now in ye new Twelve Proprietors, is conveyed to E. B. by a New Grant. To ye End we not be wanting to ourselves & Children, nor thus leave both us & y^m at ye Mercy & in ye Power of any man, & y^t in a matter of such moment & importance, we do unanimously desire y^t ye Assembly may be forthwth called to consider ye State of ye Province in case no Confirmation be come by any of ye many ships y^t are lately come into this River, a thing so often promised to us, y^t fitt expedients may be apply'd to cure our present, & prevent future Mischiefs & Inconveniencies, y^t so we may not through willfull and dangerous Neglect fall into further miseries & confusion yⁿ those this poor unhappy Country hath already too long laboured under.

Indorsed:

“Complaints made to Proprietary of West Jersey”—

Proclamation of William Penn.

[From “Pennsylvania Archives,” Vol. I., p. 68.]

By me WM. PENN, Proprietary & Govern^r of ye Province
of Pensilvania & ye territories thereto belonging

A PROLAMATION

Whereas ye Govern^r of the New Jersey hath requested

me y^t ye order by him & ye Councill of ye said Coloney made concerning ye illegal Deposal of Lands, wthin ye s^d Colony by Thomas Mathews, might be made public in this province th' no Injurv & Loss might come to such as unadvisedly are inclinable to purchase any part or tract of him, these are to give notice & to warn all ye Inhabitants of this Province & territories thereof to forbear dealing wth buying of ye s^d Thomas Mathews any Lands, so taken up as they tender ye security of their concerns & will answer it at their peril, given at Philadelphia ye 18th 5th mo 1683.—

*Commission of Gawen Lawrie as Deputy Governor of
East Jersey.*

[From "Grants and Concessions," p. 168.]

ROBERT BARCLAY, one of the Proprietors and Governor of the Province of East New Jersey in America, to his trusty and well beloved Fellow Proprietor Gawn Lawrie, sendeth Greeting.

WHEREAS the Proprietors of *East New Jersey* aforesaid having by their Commission under their Hands and the Seal of the said Province, constituted the said *Robert Barclay* Governor thereof, which said Commission is in these Words, or to this Effect, to the Proprietors of the Province of *East New-Jersey*, To our trusty and well beloved fellow Proprietor *Robert Barclay*, sendeth Greeting. Whereas the Power of Government of the Province of *East New Jersey*, is devolved upon us, and assigned to us by JAMES Duke of *York*, with Power to constitute and appoint such Governor and Commissioners for the well governing of the said Province, as we shall see meet; and we having heretofore, out of the Confidence we had of

Robert Barclay, his Skill, Prudence and Integrity, constituted and appointed him Governor of the said Province, to appoint a Deputy during his Absence therefrom, to be approved by Sixteen of the Proprietors, upon the same Reason and Confidence, we do hereby confirm to him the Government of the said Province during all the Days of his Life, as to have the Power of the Government of all the said Province, and of all Isles, Rivers, Islands, and Seas within the same or belonging thereto, to do all and every Thing or Things which to the Charge and Office of a Governor doth appertain, commanding all inferior Officers to obey him as their Governor, according to this our Commission, and the Powers hereby given him, and according to the Laws and Constitutions made or confirmed by us, or to be made, which he himself is to observe and follow, as unto his Duty and Office doth appertain. And whereas we have agreed and are satisfied, for certain good Reasons and Considerations moving us thereunto, to commit this Trust unto him, and to give him this Character, without laying any Necessity upon him to repair to the said Province; so likewise we have and do hereby give him Power, from time to time as need shall be, during his absence, to name and constitute and grant Commission to a Deputy Governor, to serve in the said Province, he being always approved by Sixteen of us the Proprietors, and following the Orders he receives from us, according to the Laws and the Constitutions of the said Province. Given under the Seal of the said Province, and sign'd by our Hands, Dated at *London*, the *Seventeenth* Day of the *fifth* Month called *July*, in the Year of our Lord, according to the English Account, One Thousand Six Hundred Eighty and Three, Subscribed by *Thomas Cooper*, *Clement Plumstead* and Proxy for *Robert Turner*, *William Gibson*, *Arent Sonmans*, *William Dockwra*, *Thomas Hart*, *Gawn Lawrie*, *James Braine*, elder, *Thomas Barker*, *Richard Mew*. He the said *Robert Barclay*, according to the Power given him by Virtue of the said Commission, doth

hereby as far as in him lyeth, out of the Confidence he hath of the said *Gawen Lawrie's* Skill, Prudence and Integrity, with the Approbation of Sixteen of the Proprietors of the said Province, testified by their signing hereof, constitute and appoint him Deputy Governor of the said Province, and of all Isles, Rivers, Islands and Seas within the same, or belonging thereto; to do all and every Thing and Things which to the Charge and Office of a Governor doth appertain; commanding all inferior Officers to obey him as their Governor according to this Commission, and the Power hereby given him, and according to the Laws and Constitutions made and confirmed, or to be made and confirmed, by the Proprietors of the said Province; which he the said *Gawen Lawrie* is to observe and follow, as to his Duty and Office doth appertain; to hold unto the said *Gawen Lawrie* for and during so long Time as he shall in the said Place or Office of a Deputy Governor well behave himself, not exceeding seven Years. And the said *Robert Barclay* doth further give Power to the said *Gawen Lawrie*, in case of urgent necessity, to appoint a Deputy under him. Given under the Seal of the said Province, and signed by the said *Robert Barclay*, and Sixteen of the Proprietors of *East New-Jersey* aforesaid, dated at *London* the Day of the Month called *July*, in the Year of our Lord, according to the English Computation, One Thousand Six Hundred Eighty and three. Memorandum, these Words *not exceeding seven Years*, were first interlined. *Robert Barclay, Perth, Thomas Cox. James Braine, elder. Clement Plumstead, Proxy for Robert Turner. Arent Sonmans. William Dockwra. William Gibson* for himself and Proxy for *William Penn. Thomas Cooper. Richard Mew. Bartholomew Gibson. Edward Byllying. Thomas Hart. Thomas Barker*, and Proxy for *Ambrose Rigg*. Subscribed at *Cluny*, in *Scotland*, the *Seventh Day of September 1683*, by *Robert Gordon. Robert Burnet*.

Instructions to Deputy Governor Lawrie.

[From "Grants and Concessions," p. 171.]

INSTRUCTIONS for *Gawen Lawrie*, when it shall please God to bring him to East New-Jersey.

In the first Place we do lay it upon him to take all due Care to observe the Act of Navigation, and to see that it be Infringed in nothing as to what relates to the King's Customs or otherwise, and to give no Connivance to any so to do, that there be no just Occasion given of complaint, or Reflections upon the Proprietors on that Account, but that in all Things he demean himself, and see that others under his Authority so do, as may Witness our sincere Intentions of all submissions and obedience to the King, according to the Obligations laid upon Us by our Patent.

II. That he keep a good and friendly Correspondence with the Governor and Colony of *New-York*, and be careful of avoiding all Things that may Interfere with their Interest, or give just reason of complaint from them; that he be not apt to give any Encouragement to People to transport themselves from thence, minding that we do not design to advance our Interest by any Thing which may prove Prejudicial to that Province.

III. We desire him also to keep a good and fair Correspondence with all other our Neighbouring Colonies, and in all Things labour to maintaine Peace and Good Will with them, wherein there doth not appear a manifest Prejudice to us, and your just and honest Interest.

IV. We do recommend to him to take Inspection into our Instructions last sent over, and to mind putting them in Execution, and Prosecuting them as if they were here particularly repeated and renewed.

V. We desire him to use all means of Gentles and Tenderness with the People there, and to let them Under

stand our just and kind Intentions towards them, that they may be disposed on the other Hand to be just and respectful towards us.

VI. We do desire him to take a narrow and particular Inspection into the state of the seventh reserved to us by the first Concessions, that we may perfectly know what they will amount to, how considerable they are in every Town, or in the greatest out Plantations, that he may consider the best means of making a just Division of them among the Proprietors, and to see how it may be Ordered that every Proprietor may have as many Acres of them lying together as may make a tollerable Plantation, though the Share of one might fall in the seventh of one Town, and of another in another, since we think it not practicable that there can be a Division of the seventh of every Town in Twenty four Parts, it would make so many inconvenient Fractions ; so that the six Towns, whose sevenths are not yet taken up by the Proprietors, (for *Woodbridge* goeth to *Perth* Town) it may be expedient that two sevenths go to eight Proprietors (consideration of the advantage or disadvantage of Scituation or of the different quantity being had) and so divided by an equal Lot in three Parts, one to each eight Proprietors, and then a Subdivision amongst them accordingly ; yet this is still so proposed as it is remitted to his Discretion, being upon the Place and fully informed, to propose any better expedient.

VII. We think also the same may do well as to the Division of the Ten Thousand Acres to be set out to each Proprietor as hath been formerly ordered, which we desire may be done forthwith without any delay, *viz.* That any Tract of Land which is pitched upon for the laying out the Ten Thousand Acres as a Part of it, may be cast first in three equal Parts or Lotts, one to each eight Proprietors, or in two, *viz.* To each Twelve if it be found most convenient, and then a Subdivision to be made ; always minding that these eight who have sent over Servants and Goods in Company make one of the three, that being most

just and convenient ; as also if it may be had that at least two Thousand Acres may lye together for each Proprietor to be a particular Plantation to them if they be so disposed.

VIII. We judge it also needful, that not only this two Hundred and Forty Thousand Acres, now to be set out to the Proprietors, be freed of all Indian Incumbrances and purchased from them out of the Company's Stock, but that no opportunity be omitted of Purchasing more Land from the Indians until the whole Province be bought from them, and for this End whatever is there, of the Company's Stock or of the Profits arising to them from the Quit-Rents, or other wise, be employed.

IX. We desire he may make all needful Preparation towards drawing the Line of Division between us and *West-Jersey*, that it may be done as soon as possible it can ; and that in the interim to take what information he can, where it will fall, so that we may have a certain Account both of the Breadth and Length of the Province, and of the Quantity of Land that is in it, and of the nature of the Soil and conveniency of those back Parts of it whereof we have not yet so particular an Account, and in this we could wish it might be discovered whether there may not a convenient Road be found betwixt *Perth Town* and *Burlington*, for the entertaining a Land Commerce that Way.

X. As to the Quit-Rents, we desire it may be seriously considered what has been said in the Sixteen and Seventeen Parragraphs of our former Letter directed to T. R and the Advice of Council, therewith sent, to mind whether the Land be taken up according to the old Concessions ; for if it be not so taken up, it is strange why we should be pressed to confirm it, Therefore Consider the third Article of the old Concessions, where all Leases and Grants are to be Registered. And the Fourth Article, the Surveyor General is to lay out and bound all Land, which is to be done by Order of the Governor and Council ; and in the

Sixth Article it is expresly said, all that are to be free Men of the said Province are first to be admitted by the Proprietors, or their Order; it must also be examined whether any have not a great deal more Land than is in their Patents, and in that case we leave him to make the best Agreement with them he can, so as it may appear to them we are not so strict as in Justice we may: And also where any are run far behind in their Quit-Rents and owe much, if they have much more Land than they have yet brought in or have present Use for, we judge it no ill expedient to pass them——their by past Quit-Rents, they of consent dispensing with a Part of their Land to the Proprietors use where it lyes conveniently, as where some have Ten or more Thousand Acres, and have perhaps used but a small Part of it, as yet, and payed none or very little Quit-Rent for it, they may be content to let go a good Part of it, rather then pay all their Rests and be liable to pay the Quit-Rents for all Time coming, so we leave him to bargain with them in such cases, as in discretion he shall see meet, not standing much with them upon small Matters.

XI. We desire as soon as conveniently he can, a true and clear Information of the State of the Land already taken up, of the Value of the Quit-Rents, of the rests owing, of the Agreements he may make with any of them, and of the Scituation, Number of Acres and Value of the Sevenths.

XII. As for the Patents and Grants of Land given by Governor *Nicholls* which several seems to stand upon, we desire it may be examined what Power Governor *Nicholls* had from the Duke, how far it extended, whether he had Power to sell, lett or grant Patents for Land in *Jersey's*, also whether he made any Laws or Concessions, and if he had Power so to do by his Commission, and how his Commission was limited for we have it not; if he had no Power to make Laws or Concessions, then by what Rule could they proceed to take up Land and settle upon it. And whereas some have pretended a right to Government

as well as Soil, that cannot be: For suppose Governor *Nichols* had Power to be Governor, it was to Govern by some Laws; if so, where were these Laws, who made them, and by what Authority; he could not divide the Government so as to rescin'd one Part from the rest; all those Things would be well considered; where the difference is small we are willing the Advantage fall to the Inhabitants; but where the difference resolves any ways to our considerable loss, if it, with the help of the Proprietors there, cannot be brought to a good Issue we desire the cause may be truly stated and sent to us, that we may consider of the means to remove it.

XIII. We recommend to him to take care to let the People rightly understand the Advantages yielded to them by this Scheme of Government now sent over, and how much it exceeds their former Commissions, which if rightly Understood by them, we hope will be a great means to satisfy them; and also we desire that he may as soon as possible he can, order it to be passed in an Assembly, and settle the Country accordingly thereunto.

XIV. Whereas in the Tenth Article of the first Concessions, the Assembly is to raise and provide a supply, for maintaining of the Governor and defraying all Necessary charges, we recommend unto him the minding of this and Managing of it with all the Dexterity he can, that as we desire in all Things to approve our selves just to the Inhabitants, so likewise they may be found so to us, in this necessary Point.

XV. Whereas one *George Lockhart*, who has a considerable Plantation in the Province (as he informs us) is desirous to have the Marshalls Place, and offers (we giving him a Commission for that Office, together with a Lott of Ten Acres in *Perth Town*) to build us a Prison and Town House there, we do wholly leave it to him, to consider what Accommodation there may be to us in that Proposition, and do hereby fully empower him to grant such Commission, and append our Seal unto it, and make such

Agreement with the said *George Lockhart* as (being upon the Place) he shall see meet.

XVI. It is recommended to take particular inspection into the conveniency of fishing, and seriously to consider the Advantage which may probably accrue to the Proprietors by an Improvement thereof, whereupon we will expect Information and Propositions to that effect; and especially as to the Whale Fishing, which we desire may be encouraged, and to that end we do allow to make use of our effects there, rather than by Loss of Time in waiting for Advice from hence, the Fishermen should be drawn elsewhere for want of due Encouragement, as we Understand some already are.

XVII. As to the Lotts at *Ambo* Point, and the Town of *Perth*, there to be built, we desire that due Care may be taken that it may be made regularly according to a Scheme which is intended herewith to be sent; to be sure that the Streets be large, that the Houses be not crowded one upon another, but that each House have backwards a considerable void for a Yard and Garden, that so no Street be laid close to the back of another without an Intervale of at least a pair of Butts, and that the Key and Market Place be also conveniently ordered.

XVIII. Though we understand by S. G. and T. R.¹ their Letters, that the Parcel of Land intended for the Township is but Nine Hundred Acres, and One Hundred of Meadow, yet since Widow *Cartright* has offered Two Hundred lying well to it, we desire it may be accepted, and that Three Hundred more of what is most contiguous and adjacent may be laid to it, and so make us the Number of Fifteen Hundred as was first proposed, that so there may be One Hundred and Fifty Lotts of Ten Acres a Piece; and we think it most convenient that there be made an entire Division of these Lotts amongst the Twenty Four Proprietors, which shall be about Six Lotts to

¹ Samuel Groom and Thomas Rudyard.

each, all that is for Publick use being first taken off, that so each may build, sell, lett or dispose of their Lotts as they see meet, which we judge will be the quickest way of Building the Town : But if any Lotts be Sold already by S. G. or T. R. according to the Order they had, if so be they, or some other of the Proprietors, be not willing to allow them in their Shares and take the price, then let all that is Sold be first deduced of the General, and be divided provato, and the Rest be divided amongst the Proprietors, to be disposed of by them as is above mentioned.

XIX. We do also hereby authorize them to call for an Account from *Samuel Groome* of our Cargo of 750£. sent over, and desire thee to send us a particular Information per first how it is employed, how it stands, and what is become of it : Also in respect *Samuel Groome*, the younger, has shewn so great an Inclination to sell his Fathers Propriety, which he has already a Right to, and that thereby *Samuel Groome*, the elder, may either come back or be indisposed to serve in the Imployment of Surveyor General and Receiver of our Rents, therefore we do herewith send a Blank Commission for Surveyor General, and another for General Receiver, to be filled up by him to such Persons as he shall find most proper upon the Place for that Use.

XX. We do also hereby according to the Paction made betwixt thee and us, order thee as our Deputy Governor, to take Possession of the House belonging to the Proprietors, with the Orchards and Grounds belonging thereto ; and we order *Thomas Rudyard* to give thee Possession thereof ; and we desire thee to take Care to clear all the frivolous Pretences of Widow *Cartright* thereto.

XXI. As for the Laws made in the last Assembly, sent over to us, we have this to say, that by the first Concessions the Assembly has only Power to make Laws which are to stand for a Year, unless they be approved by the Proprietors : Now tho' we have not much to oppose to some of them, yet we see not meet to approve of them,

because we have here sent a frame of Government which we are persuaded is far more advantagous for the Province, and we desire Things hereafter may be ordered accordingly: And for other transient Laws, we judge there is no need of multiplying them, which after this Method would quickly swell to too vast a bulk; so that in most of those Cases mentioned in the Laws sent over, it is most proper and safe that the Common Law of *England* serve. *London* the Twenty of the fifth Month called *July*, 1683.

Barclay, for himself and for the Earl of *Perth*. *John Drummond*, of *Lundy*, for *Robert Burnet*, *Ar. Sonmans*, for myself, and for *Robert Gordon*. *Thomas Barker*. and for *Ambrose Riggs*. *Richard Mew*. *Thomas Cooper*. *Clement Plumstead*, per Proxy. *Robert Turner*. *William Gibson*, for himself and *William Penn*. *Thomas Cox*. *James Braine*, elder. *Thomas Hart*. *William Dockwra*.

A POSTSCRIPT, &c.

Memorandum, It is also recommended to *Gawn Lawrie*, or the Governor for the Time being, and it is unanimously agreed, that wherever any Land is set out, or cast out into Divisions, to be distributed among the Proprietors, before it be by Lot applied to particulars for the Encouragement of such as are ready by themselves or Agents to plant and improve, they shall have Choice of the Division before the Lot be cast: And for the further securing the Equity of this, that it be past in the first great Council as an Act; and in pursuance of this, as to the Six Thousand Acres belonging to the Proprietors upon the South Side of *Rariton*, over against *Ambo Point*, that it be cast in three equal Divisions, two Thousand in each, for every eight Proprietors: And therefore the eight Proprietors who are now sending over in Company both Stock and Servants, shall have their Choice of these three Divisions. And whereas the three Lots must be cast again in eight Divi-

sions, one for each Proprietor, whatever Proprietors at any Time hereafter shall be ready to plant upon and improve his Share, shall likewise have his choice of the sub-divisions.

Barclay, for himself and for the Earl of *Perth*. *John Drummond* of *Lundy*, and *Robert Burnet*. *A. Sonnans*, for myself and for *Robert Gordon*, and for *B. Gibson*. *Ambrose Rigg*. *Ed. Billing*. *Thomas Barker*, and for *Ambrose Rigg*. *Thomas Cooper*, *James Braine*, elder. *Thomas Hart*. *Clement Plumstead*, *P. R.* and *Proxy*. *Robert Turner*. *Richard Mew*. *William Dockwra*. *William Gibson* for himself and *William Penn*. *Thomas Cox*.

Instructions for Laying Out of Perth Town in East Jersey.

[From the Original in the Possession of W. A. Whitehead.]

London September y^e 21st 1683 ¹

M^r GAWEN LAWRIE

and

M^r SAMUELL GROOME ²

WEE vnder written on behalfe of our Selves, and the rest of the Proprietors of the Province of East new Jersey, haveing further Considered that much of y^e Interest of the said Province lyes in the expeditious building of y^e ground on Ambo Point, which we Intend shall be called PERTH TOWNE doe give you the Orders, and Instructions following (Viz^t)

Imprimis That as soone as possible, after it shall please

¹ The copy of these instructions, sent to Scotland for the signatures of the Proprietors there, is in the library of the New Jersey Historical Society. There are some trifling differences from the one used for this work, in spelling, capitals and abbreviations, and a few of more consequence. The copy for Scotland has the date at the foot of the instrument. ED.

² The Scotch copy has the name of Samuel Groom erased, and the address is as follows: "Mr Gawen Lawrie &c who are Proprietors & of ye Councell." ED.

God you are Safe arrived in East Jersey you doe inspect what is done vpon our former order to Samuel Groome, concerning building of twenty four houses in *Perth Towne*, one for each Propriety, and in case they be not done, that then you cause them to be finished with all expedition, and that on each house there may bee bestowed thirty pounds Ster^s: prime cost in England but not more.

Item that such Proprietors as are personally there doe possess or dispose of his owne house as he shall see most fitt

Item That such of y^e twenty four houses as belong to those Proprietors who have not sent servants to settle in y^e said place, you are to dispose of, as you shall see most suitable to the Encouragm^t of those who shall come to settle in the said Towne, and are destitute of houses to give them present entertaynm^t, [the proprietors or their agents & servants coming thither being first accommodated.¹]

Item What house is lett for Rent tho the Proprietor be not present, nor have sent any servants to settle there, yet the said rent shall be applyed to the proper account of the Respective Proprietor of such house

Item That you doe lett no house belonging to any such Proprietor, but on this condition, that when himselfe, or any Agents, or Servants arrive to Inhabit there, the said house shall be Surrendered on Six² months warning.

Item That it may appear how Greatly desirous the Proprietors are of y^e expediteing the worke of building this Towne They do vnanimously consent, and agree, that there be a house built for y^e Governour at the publike charge and in pursuance thereof, doe hereby Order, and Impower you to Sett out such a portion of land, In such convenient place as you shall thinke most convenient to build the said house thereon, and to enclose so much

¹ The words between the brackets appear to have been added after the rest of the instrument was written, and do not appear in the Scotch copy. En.

² " Three," first written and erased. En.

ground as may be necessary, and Moderately vsefull, for Garden, Orchard and other accommodations for a Governour; And to answer the charge thereof, you are hereby Ordered to mak vse of y^e Publique Stock In the said Province, and in case that fall short, wee do consent, and agree and accordingly hereby Impower, you to draw bills on such Proprietors as here bee at London by themselves And on such Proprietors as are in Scotland by themselves, and for such Proprietors as reside in y^e said Province you are to charge them with their parts there, so as, on every respective Proprietie, you Draw or Charge the vullue of ten pounds ster. and no more, which if there be occasion for, it shall be layd out on the said Intended house for your selfe, and those that Succeed you as Governour of that said Province, and shall remaine, and for ever be deemed as the Publique estate of the Proprietors in Joynt Stock; but the four and Twenty houses to be first finished before y^e Gouvernors house go on

Item you are also hereby ordered to remove the Governm^t of the said Province to PERTH TOWNE with all possible expedition, and that y^e Counsell do sitt there, and that y^e Courts, and quarter sessions be held there, for time to come, till further Order, and as soone as may be, that the Assembly do also sitt there, and that all such publique business be brought thither, as may promote y^e dispatch of building the said Towne, and the trade thereof, to give encouragem^t to all such as shall come to settle there

Item that whereas there is six lotts, or shares of ground, over and above the 144 which make six a piece for each Proprietor which has been designed for Markets, wharfes, Prison, Town house & such like publique vse, it is desired, that the Intended house, and ground, for residence of y^e Governour for the time being; bee sett out of part of y^e said six lotts, or shares; But you the p^rsent Governour and the Governour for the time beeing, are hereby Impowred to exchange any spot of ground, with any other

not yett taken vp for the like quantity, if the convenience of situation for the said house doe require it, And so wee bid you heartly Farewell.

THO: COX	GAWEN LAWRIE	WILL. DOCKWRA
RICH: MEW	THO: COOPER	THO: HART
CLEM ^r : PLUMSTED	THO ^s BARKER	WM: GIBSON
& ^{se} pxy ^e fr	& px ^e for	
ROB ^t TURNER.	AMBROS RIGG	JAMES BRAIN; elder

Dated in London the 21st day of Septemb: anno Dom 1683 & sealed wth y^e seale of the Province.

[The signatures to the copy sent to Scotland were arranged as follows:]

Subscribed	THO: COX	THO: COOPER
in Scotland	WILL: DOCKWRA	GAWEN LAWRIE
the 22 of	W ^m : GIBSON	THO ^s BARKER & px ^e
Oct: & ii of	THO: HART	for AMBROS RIGGS
Nov. 1683	RICH: MEW.	PERTH
[L. s.]	CLEM ^r PLUMSTED & se	RO ^t BURNET
	pxy fr	R. BARCLAY
	ROBT TURNER.	W ^m GIBSON &
	JOHN HANCOCK	Proxie for
	RO ^{bt} GORDON.	W ^m PENN
	PETER SONMANS	JOHANNA SONMANS
	JAMES BRAIN elder	RACHEL SONMANS
	J. DRUMMOND	

[*Endorsed*.:] To be sent For Scotland & to be returned.

Governor Dongan, of New York, to Governor William Penn.

[From "Pennsylvania Archives," Vol. I., p. 80.]

S^r

I was Surprised when Capt. Baker came to me and told me that you would purchase his interfest of Governor Nicoll's his Patent, which seemed very Strange to me,

because you had advised me to it, and I told you I resolved upon it in Particular.

Governor Rudiard came to me and seemed mighty angry that I should offer to buy it, he alledging that it is to Countenance the people to be mutinous against that Government, the which is absolutely contrary to my Principles and thoughts : if I have any Land there, as I question not but I shall before I see you, I shall as willingly submit to the Laws of the Government as any one Living, and Lay down my Proportion of Payments with as great willingness as any of them all—he seems not to be well pleased with you, because he has heard you designed to buy one of the Patentees interests ; I doubt not but what you do is for the Interest of his Royal Highness in this particular affaire ; If possibly I can see you before Winter comes on, I will.

All business goes on here to great Satisfaction ; the Sesquehannok River is given me by the Indians by a second gift, about which you and I shall not fall out : I desire we may Joyne heartily together to advance the Interest of my Master and your good Friend : I expect to hear from you, how you would have me proceed

Dear Sir, I am your affectionate

Friend & Humble Servt,

Fort James Oct^r 22^d 1683

THO. DONGAN

“ For WILLIAM PENN, Esquire,

“ Governor of Pensilvania.”—

Charles II. to the Governor and Council of East New Jersey.

[From Public Record Office, London.]

C [Royal Arms.] R

CHARLES R.

WHEREAS His Majesty for divers good Causes and Considerations Him thereunto moving, By His Letters Patents bearing Date the 29th of June Anno

Dom. 1674. in the Six and twentieth year of His Majesties Reign, was pleased to give and grant unto His Dearest Brother James Duke of York, several Countreys, Islands and Tracts of Land in America; Part of which were since called by the Name of Nova Cæsaria, or New Jersey, and was Vested in John Lord Berkeley of Stratton and Sir George Carteret Knight and Baronet, who are both of His Majesties most Honourable Privy Council, and in their Heirs and Assigns: And the East Part or Portion of the said Province of New Jersey, by a certain Deed of Partition afterward made, became the Share of the said Sir George Carteret, his Heirs and Assigns, and was agreed to be called East New Jersey, and was since Assigned to the present Proprietors. And whereas His Royal Highness James Duke of York, by His Indenture bearing Date the 14th. day of March Anno Dom. 1682. in the Five and Thirtieth year of His Majesties Reign (for the Consideration therein mentioned) did Grant and Confirm the said Province of East New Jersey (extending Eastward and Northward all along the Sea coast and Hudsons River, from Little Egg Harbour to that part of Hudsons River which is in Fourty one Degrees of Northern Latitude, and other ways Bounded and Limited, as in the said Grant and Confirmation, relation being thereunto had, may more particularly and at large appear) unto James Earl of Perth, John Drummond of Londine, as also unto Robert Barclay of Vry Esq; Robert Gordon of Cluny Esquire, and other His Majesties Loving Subjects in England, Scotland, and elsewhere, to the number of Twenty four Grantées, and to their Heirs and Assigns for ever, together with all Powers and Jurisdictions necessary for the good Government of the said Province.

His Majesty therefore doth hereby Declare His Royal Will and Pleasure, and doth straitly Charge and Command the Planters and Inhabitants, and all other persons concerned in the said Province of East New Jersey, That they do submit and yield all due Obedience to the Laws and

Government of the said Grantées, their Heirs and Assigns, as absolute Proprietors and Governours thereof (who have the sole Power and Right derived under His Royal Highness from His said Majesty, to Settle and Dispose of the said Province upon such Terms and Conditions as to them shall seem meet) and also to their Deputy or Deputies, Agents, Lieutenants, and Officers lawfully Commissionated by them, according to the Powers and Authorities granted to them: And of this His Majesties Royal Will and Pleasure, the Governour and Council is Required to give publick notice; His Majesty expecting and Requiring forthwith a due Compliance with this His Royal Will and Pleasure from all persons, as well without the Province as within the same (whom these Presents do or may concern) as they will answer the contrary thereof at their peril.

Given at the Court at Whitehall the 23d day of November 1683. In the Five and thirtieth Year of His Majesties Reign.

By His Majesties Command

SUNDERLAND

To the Governour and Council of East New Jersey for the time being, and to the Planters, Inhabitants, and all others concerned in the said Province.

In the 35th year of his Majesties Reign, March 14. 1682. His Royal Highness granted and confirmed the said Province of EAST-NEW-JERSEY to James Earl of Perth and others to the Number of Twenty four Grantees as Proprietors thereof; with all Islands, Bays, Rivers, Waters, Forts, Mines, Minerals, Quarries, Royalties Franchises, and Appurtenances whatsoever to the same belonging or in any wise appertaining, and all his Estate, Title, Interest, Reversion, Remainder, Claim and Demand whatsoever, as well in Law, as in Equity, of, in, unto, or out of the

same or any part or parcel of the same. As also the free use of all Bays, Rivers, and Waters, leading unto or lying between the said Premises or any of them, in the said parts of EAST-NEW-JERSEY for Navigation, Free Trade, Fishing, or otherwise, together with all and every such and the same Powers, Authorities, Jurisdictions, Governments, and other Matters and Things whatsoever, which by the said respective recited Letters Patents, or either of them, are or were granted, or intended to be granted, to be exercised by his said Royal Highness, his Heirs and Assigns, Deputies, Officers, Agents, &c. To be enjoyed, exercised, and executed by the said Grantees, Proprietors of the said Province of EAST-NEW-JERSEY for the time being, their Heirs and Assigns for ever, as fully and amply to all Intents, Constructions, and Purposes, as his said Royal Highness or his Heirs, might, could, or ought to hold, enjoy, use, exercise or execute the same, by force and virtue of the said several and respective before recited Letters Patents, or either of them, or of any thing in them, or either or any of them contained, or otherwise howsoever.

GOD SAVE THE KING.

The Proprietors of East Jersey, in 1683.

[From Public Record Office, London.]

The Names of the present Proprietors of the Province of East-New-Jersey ¹ Are, as follows, Viz.

JAMES, Earl of Perth, Lord Justice General for the Kingdom of Scotland.

JOHN DRUMMOND of Londine Treasurer Deputy for the said Kingdom.

SIR GEORGE MECKENZIE of Tarbet Clerk to his Majesties Register and Rolls in the said Kingdom.

ROBERT BARCLAY, DAVID BARCLAY JUNIOR of Ury Esquires.

¹ No date. The foregoing letter was printed for circulation, and this document was appended thereto. ED.

ROBERT GORDON of Clunie Esq ;

ROBERT BURNET Gent.

PETER SONMANS &c. Gent.

WILLIAM PENN Esq ;

THOMAS RUDDIAR [RUDYARD]

RICHARD MEW

THOMAS HART } Merchants.

JAMES BRAINE }

CLEMENT PLUMSTEAD Citizen and Draper of London.

THO. COOPER Citizen and Merchant Taylor of London.

GAWEN LAWRIE Merchant.

EDWARD BYLLYNGE Gent.

WILLIAM GIBSON Citizen and Haberdasher of London.

THOMAS BARKER

WALTER BENTHALL } Merchants.

ROBERT TURNER } of Dublin

THOMAS WARNE } Merchants

THOMAS COX Gent.

and

WILLIAM DOCKWRA of London Merchant.

Here follows the Bound^a of the said Province, and its Appurtenances, with the Nature of the Title of His Royal Highness's Grant and Confirmation to Twenty four Proprietors, their Heirs and Assigns for ever, Viz.

THE Kings Majesty by his Letters Patents in the 16th and 26th of his Reign did give and grant to his Dearest Brother James Duke of York, his Heirs and Assigns for ever, among other things therein mentioned, All that Tract of Land adjacent to New-England in America and lying and being to the Westward of Long-Island, and Manhattas-Island, and bounded on the East part by the Main Sea, and part by Hudsons River, and hath upon the West Delaware Bay or River, and extendeth Southward to the Main Ocean as far as Cape May at the Mouth of Delaware Bay; and to the Northward, as

far as the Northermost Branch of the said Bay or River of Delaware, which is in 41 Degrees and 40 Minutes of Latitude, and crossing over thence in a straight line to Hudsons River in 41 Degrees of Latitude; which said Tract of Land and premises was then called Nova Cæsaria or New-Jersey, with all the Lands Islands, Soils, Rivers, Harbours, Mines, Minerals, Quarries, Woods, Marshes, Waters Lakes, Fishings, Hawkings, Huntings, Fowlings, and all other Royalties, Profits, Commodities and Hereditaments unto the said Premises belonging and appertaining, or to belong or appertain, with their and every of their Appurtenances.

His Royal Highness James Duke of York in the said 16th and 26th Years of His Majesties Reign, granted the Premises to John Lord Berkley of Stratton, and Sir George Carteret Knight and Baronet both of His Majesties most Honourable Privy Council, and to their Heirs and Assigns for ever.

The Assigns of the Lord Berkley made Agreement with Sir George Carteret in the 28th Year of His Majesties Reign for Partition of the said Tract of Land and premises, to be by a strait and direct line drawn thorow the said Tract of Land from the North partition point to the South partition point; the Easternly part, share, or portion thereof falling to Sir George Carteret, and was agreed to be called EAST-NEW-JERSEY: the which was assigned in the 24th year of His Majesties Reign to several persons by John Earl of Bath and other Trustees of Sir George Carteret deceased, by the consent and direction of Dame Elizabeth Carteret his Relict and Executrix, &c.

Additional Provisions to Constitution of East Jersey.

[From "Grants and Concessions," p. 179.]

Proviso and addition to the Fundamental Constitutions.

WHEREAS We the Governor and Proprietors of *East*

New-Jersey in *America*, have agreed to a Scheme and Form of Fundamental Constitutions for Government, greatly tending to the Benefit and Advantage of the Planters and Inhabitants of the said Province, wherein we have conceded divers Priviledges to them, and given them Communication of Part of the Powers we stand seized in; We have seen meet for good and weighty Considerations as a further Signification and Explination of our Intentions therein, to declare that we intend not (neither will we) that the said Scheme of Government be proposed or yielded to any Person or Persons but such as shall plant or come to be Inhabitants in the said Province under us, and by Virtue of Deeds or Grants from us, or our Agents, after our present Deputy *Garon Lawry* is arrived and settled there: But we do not yield them to such as have been or are Inhabitants of the said Province before his arrival; yet nevertheless as we are most willing to approve ourselves both just and kind to the former Planters and Inhabitants, we declare and offer unto them the Benefit of the said Fundamental Constitutions, under the Limitations and Conditions after following and no otherwise.

I

That the Grants and Patents of all Planters and Inhabitants in the said Province, by which they claim to hold any Land in the same, be first view'd and examin'd by our Deputy for the Time being, and the major Part of the Proprietors that come personally on the Place (who are not exempted in the twelfth Article of the said Constitutions from publick Trust) and be approved by them as justly and legally obtain'd; and that if it be inquired into and found by them (or such as they shall appoint) that their Lands, as to the Number of Acres, do agree with and not exceed their respective Grants and Patents; and that our Sevenths be retain'd according to the old Concessions; and that all legal Titles and Grants whatsoever formerly obtained, and that shall hereafter be obtained, be entered

in the new Register for Confirmation by the present Proprietors never to be questioned for Time to come, to the End there may be perfect Peace and Settlement of every Man's Title in the Province.

II

That they give him and them Satisfaction as to the Arrearages of Quit Rents owing by them, to which we have just Right, or satisfy him or them for the same, by surrendering back such Part of their Lands (to which they have good Title,) as shall be to the Value of such Quit Rents as they owe.

III

That they settle with him as to the punctual Payment of Quit-Rents for all Time coming: But that no more Land than what does appear upon the Re-survey due to any Man (reasonable Commonage excepted) be continued, tho' he would pay the Quit-Rent, but that it be taken into the Proprietors Possession.

IV.

That they agree in the General Assembly or Great Council, to pass an Act for constant Support of the Government and defraying the publick and necessary Charges.

But in case all or any of them prove obstinate and refractory in these Particulars, we will and require our Deputy Governor to rule such as can justly claim to the former Concessions granted by Sir *George Carteret*, according to them, and to recover our Rights that are due from them: And for others that do not readily comply with these Conditions, that he Rule them according to the full extent of the Power and Authority granted to us, as he will be answerable.

Nevertheless in Case the said Planters and Inhabitants are willing to make a fair and honest Compliance with our just Demands, to the End that the Settlement with them may not be retarded by our being at a distance, we hereby grant to our Deputy, jointly with the Major Part

of the Proprietors, (that come personally on the Place) not excepted as aforesaid, our full and free Power to settle and conclude with the said Planters and Inhabitants, or any of them, upon such Terms as they shall judge most equal to them, and convenient for our just Interest; and to distinguish such of them as he and they shall find very deserving in promoting the Proprietors just Interest, by particular Marks of Favour and better Allowance to them than others; and that all such may be made partakers of the Benefits and Advantages proposed in the said Constitutions, but none other; Only we do not allow any Agreement to be made for selling of the Quit-Rents to any, until we be further acquainted, and that we send our more particular Orders thereupon. In Witness whereof we have subscribed this in *Scotland* the *Tenth* of *December* 1683, and at *London* the *One* and *Twentieth* Day of *December* 1683, and thereto affixed the Seal of the Province for its further Sanction.

Barclay. Perth. Robert Gordon. Richard Mew. Thomas Cox. Thomas Hart. James Braine. Robert Burnet. Thomas Cooper. Bartho. Gibson. William Gibson. Clement Plumstead, William Dockwra, and Proxy for Drummond. Thomas Barker, and Proxy for Ambrose Rigg.

To *Gawn Lawrie*, Deputy Governor, and to the rest of the Proprietors who are of the Council in *East New Jersey*.

From the Proprietors to Deputy Governor Lawrie and Council.

[From "Grants and Concessions," p. 181.]

Gawn Lawrie, and fellow Proprietors in Council.

WE have seen and considered the Letters brought us from *East Jersey* by *John Barclay*, from *Thomas Rudyard* and *Samuel Groome*, and tho' we doubt not of thy

Prudence and Discretion in the right Management of our Affairs, yet for thy further Ease and Assistance, we have thought meet upon those to add what is hereafter, unto the former Instructions given thee.

We are very sensible of *Samuel Groome's* honesty and fidelity to our Interest, and therefore cannot but very well approve of his Proceedings, both in his care in seeking out and discovering the best Land, and surveying it out for our Use; for his endeavours to clear it of the Indian Incumbrances, and for his refusing to comply with the particular Interest of any there, by accommodating them with Lands (or others at their Desire) to our general Prejudice; and this we are willing to be signified to him in our Name; and we wish there may a Way be found whereby he may still continue to be concern'd with us: And tho' we are not willing to let *Thomas Rudyard* want his due acknowledgment for his good Service done in resisting and curbing the tumultuous Spirits there, and for his Care of his own and our Concerns, in that respect, yet we wholly disapprove his offering to put another Surveyor over *Samuel Groome*, and we will not that any such Grant of Land as having been yielded by *Thomas Rudyard* after this Manner, and not survey'd by *Samuel Groome*, be good and valid, but declare them to be void, as being done without our Knowledge and against our Interest; for we will never consent to such a preparative, that the Governor and Council there shall dispose of our Land there upon what Terms, and to whom they seem meet, without the Consent of the greater Number of the Proprietors or their Proxies.

And as to *Thomas Rudyard's* Objections upon this Point, that it is to the Detriment of the Province, for that People have not Land to settle upon who are willing to come and dwell there, whereas in other Provinces several Thousands are quickly accommodated, and have Land laid out to them. We Answer, that to avoid this difficulty we had proposed a very good way (*to wit*) that Ten Thousand

Acres of the best and most convenient Land should be laid out for each Proprietor first of all, and then let such as are there grant out of that Land as they please and can agree, to such as offer there to plant, and leave others to follow such Methods for the improving of theirs, as they see most convenient; and thus all Occasion of Differences may be avoided, and not one encroach upon another, and those that come there to plant not want a Settlement: Nor do we see any difficulty in this Matter of the Ten Thousand Acres, seeing to facilitate the same, we gave Order, that whenever any Tract of Land were found out and survey'd for the Proprietors use, it might be cast in three Lots whether it be Twelve, Eighteen or Twenty-four or Thirty Thousand Acres, less or more; and the one Third cast together under the Name of the *Scotts* Proprietors, who will take care of the ordering the Sub-divisions thereof, by private and particular Orders to their own Agents and Overseers: And have also sent over *John Reid* (and if he be found capable) a good Surveyor to make their particuar sub-divided Surveys, after the Total is survey'd by the general Surveyor. And now we are of the Mind that for the more facilitating of this, when any Tract of Land is set out for the Proprietors in order to the making up of the Ten Thousand Acres above mentioned, it may be cast not in three; but in two Lots, seeing the *Scots*, with those that are concerned with them, (are resolved to follow that Method) may make up the one half, or probably will e'er this come to be put in Practice, being already 1 *Perth*, 2 *Lundy*, 3 *Barclay*, 4 *Burnet*, 5 *R. Gordon*, whereof *G. L.* hath the half, 6 *Gawn Lawrie*, which belongs to *Arent Sonman's* Children, 7 *Arent Sonmans*, now belonging to his Son, 8 *Barthomew Gibson*, 9 *David Barclay*, 10 *William Dockwra*, 11 the half of *Richard Mew* belonging to *John Hancock*, Widow *Sonmans* Brother; so that we doubt not but the one half may be reckoned upon, and therefore we order, that the Tracts of Land survey'd out for the Proprietors may from time to time

be cast in two Lots, the one called the *Scots* Lot, and of that we will take care, for such of us as are therein concerned will not consent (as yet) our Shares thereof to be sold, or set out at two Pence, nay not at four Pence, one Acre ; since we have proposed other Methods to ourselves, and have a Prospect of turning it to a better Account ; and yet those may follow their own Way out of the other Part allotted for them, who think it their Advantage to set out Land at two Pence per Acre, or sell it off to such as are coming there and offer to plant : Neither do such of us as are otherwise minded, intend to set our Land to lye unimprov'd, but hope to have it speedily planted, as by a Cargo nine Hundred and Fifty Acres sent lately from *Scotland* may appear.¹ And to the End there may be no Jealousy of design or unequal dealing, we give this positive order, that no Tract of Land above Forty-eight Thousand Acres be set out in two Lotts, viz. Twenty four Thousand Acres each, which will make two Thousand Acres for a Propriety, and that the next Tract or neighbouring Land on the English Side, be appointed for the Scots Lot ; and the next Tract or neighbouring Land to the Scots Side, be appointed for the English Lot, and so *toties quoties*, as Land is set out for the Proprietors : We propose the same Methods of casting in two, as to the Lots of *Amboy* (now *Perth*) Town, cast by *Samuel Groome*, nor see we any difficulty in getting it quickly to advance, after this manner, as *Thomas Rudyard*, seems to judge in his Letter, for there is herewith, Orders sent, and a Fund proposed for the building Twenty four Houses, which is a good beginning, and some other Persons who have Lots, from the Scots Proprietors, intend to build some Houses also ; which will accommodate such as incline to come for a begining. And if by that Scheme, which is come over, the Lotts can be distinguish'd and the one Half, viz. every other Lot, 1, 3, 5, 7. 2, 4, 6, 8, and so

1 So in the record.

one be allotted the Scots in manner as above, it may be easy by an Alphabet or figure, presently to distinguish the six Lotts belonging to each Proprietor, which we desire may be done and sent over with all expedition, for that would give great Satisfaction here. And such as have Subdivisions under particular Proprietors, would see where their Share lies, and then give Orders to Build upon them, and others would purchase Shares, so that we doubt not (this method being followed) but it would quickly go forward, so that we see no necessity, neither are we willing to give Lotts away, or at an under Rate, to the spoiling of that Reputation which we have been Instrumental to get in Peoples minds, to the Advantage of the Colony in general and that spott in particular, upon the Informations formerly received.

If so be also, there could be an exact Map of the Country sent over, wherein these particular Tracts set out or to be set out, to the Proprietors, may be marked with the number of Acres they consist of, and the Division in two halves, (above desired) distinguished, it would greatly contribute to satisfy many, who are desirous to purchase; and tho' this did prolong the Time of planting at present, yet it would afterwards more speedily and advantageously advance it; and since those presently inclined to Plant, may by Grants out of the particular Shares, (or others who are there) be accommodated, we see not how we injure them by it, and we hope they will be more weary than to dispose of our Interest against our Wills.

For the Indian purchase, we shall wish it may go on, and tho' *Thomas Rudyard*, says the Proceeding therein will exceed our Cargo which is there, yet we are so desirous of it that we are willing (so far as comes to our Share) that *Gawn Lawrie* purchase it with the consent of the Major Part of the Proprietors on the Place, and draw upon us for it, and we shall answer it, *viz.* that it be not purchased for any particular account, but on the joint account of all the Proprietors and not otherwise. It is to

be minded that in our Instructions sent with *G. Lawrie*, we signified our unwillingness to confirm fully the Acts lately passed and sent over to us, but this must not be understood of them all, especially that whereby the late illegal Grants, voided by the Assembly, and passed by *Vicears* [*Viccars*].

As to the Tenth Article of our Instructions given to *G. Lawrie*, we appoint that the joint assistance, and consent of the Major Part of the Proprietors on the Place be added to him, to act in the Business of that Article.

It is not to be forgotten, that as soon as can be Weekly Markets and Fairs, at fit Seasons be appointed at *Perth* Town, and that care be taken that Goods be not exported to *New-York*, or other Places, but all be brought to *Perth*, as the chief Staple, and that a Charter, with all necessary Priviledges and Jurisdictions, be forthwith granted to that Corporation, to encourage People to settle there.

Barclay for himself, and *Robert Gordon*. *Robert Burnett*. *Bartholomew Gibson*. *Perth*. *Clement Plumstead*, per *Robert Turner*. *J. Drummond*. *Thomas Cox*. *William Gibson*. *Thomas Hart*. *Thomas Cooper*. *Thomas Barker*. *Richard Mew*. *Ambrose Rigg*. *William Dockwra*. *London*, *Second of January 1683*.¹

Deputy Governor *Lawrie*, our Governor *Barclay*, desires thou mayest know, that this last Month of *December 1683*, Sir *John Gordon*, of *Edinburgh*, hath purchased half a Propriety of *Thomas Cooper*; and *Robert Burnett*, of *Edinburgh*, hath purchased half a Propriety of *Clement Plumstead*, both which they have conveyed, and the Deeds Sealed accordingly, which does make the better half now, and to explain the figures within, in Words at length, they are Forty eight Thousand, Twenty Four Thousand, Two Thousand for one Propriety.

W. O. [W. D. ?]

Agreement Respecting the Taking Up of Land in East Jersey.

[From "Grants and Concessions," p. 186.]

Agreement of the Proprietors about taking up Land.

WE the Governor and Proprietors of the Province of East *New-Jersey*, being desirous to give all due encouragement to every one that purchases from us of that Colony, and do desire to settle there and improve their Lands, having formerly resolved and given Orders, that Ten Thousand Acres in the best and most convenient Places of the said Province, be with all convenient speed set out for each Propriety, do hereby further declare and agree, that whoever has purchased any Share or Part of a Propriety, and goes over, or sends Servants to settle upon it, shall have a competent Number of Acres set out to him or them, lying together in the first Tracts of Land, surveyed or to be surveyed for the use of that Proprietor, of whom he purchases. PROVIDED such quantity of Acres, do not exceed the number hereafter specified, and that they be granted by Warrants, limited and expressed in the manner following, that is to say, all who has purchased one Twentieth Part, may have Five Hundred Acres in one Tract lying together, and the Warrant shall bear this express Clause, that it is in full of his Proportion of the first Ten Thousand Acres, to be set out to each Proprietie, and he who has a Tenth, may take up also Five Hundred Acres, but no more at first, and his Warrant shall express it in full, of half of his Proportion of the first Ten Thousand Acres aforesaid; and if any have less than one Twentieth, he shall have as much together as his Share of the first Ten Thousand Acres amount to, but no more, and it shall be express'd also in full of his Proportion of the said first Ten Thousand Acres; and where any such small purchasers (going or sending over to settle a Family) has his full Proportion, he shall have

no further Lands, until the Proprietor of whom he bought, have the full remainder of his Ten Thousand Acres set out to him ; and that there be a new Division, unless in such case wherein any Proprietor who shall have sold one or more small Parts of his Propriety, shall neglect to settle Families and Servants on the rest of his Lands unsold, so long as until the small purchasers under him, have well planted and improved their Land set out to them, at their first settling, as their Part of the first Ten Thousand Acres, and that they desire more Land to settle, cultivate and improve ; in such case, such small purchasers, shall have the like quantity of Land as at first set out together in one Tract, out of the remainder of the first Ten Thousand Acres surveyed, or Part of those Lands belonging to that Proprietor of whom he purchased, and so to a third and fourth Division, in favour, and for accommodation, to every such small purchaser, as shall from Time to Time, have well planted and improved the Lands they settled on, when the Proprietor who sells to him shall let his Land lye unsettled and unimproved, it being most reasonable that those who do let their Lands lye neglected, and make no Improvement, should have their Shares left to be made up in after Divisions, nevertheless it is to be understood that what Lands shall from Time to Time, be so let out to such small purchasers that settle and improve, shall be account as Part of their dividend, of their Proportional Share of the Province.

And it is also hereby declared and agreed, that this Instrument, with the concurrence of the Governor, shall be of good Authority to the Deputy Governor and Council, who is allow'd to give Warrants according to the Resolution, for the Encouragement of all purchasers who shall transport their Families or Servants to settle in the said Province, which will promote the General Advantage thereof, and for the better Publication and fuller confirmation of this Instrument, the Governor and Proprietors have hereunto set their Hands, and have Ordered the same

to be Registered in *London*, as also in *Scotland*, and *East Jersey*, and to have the Seal of the Province fixed thereto, for its further Sanction. Subscribed in *London*, the *Twentieth Day of February*, in *Scotland*, the *Twenty Ninth Day of the same Month*, and in *East Jersey* the *Fourth Day of October*, in the *Six and Thirtieth Year of King Charles the Second, Anno Domini, 1683-4.*

Barclay. Robert Burnett. Gawen Lawrie. Perth. Barclay, for Robert Gordon. Thomas Cooper. Richard Mew. Thomas Barker. Walter Benthall. J. Drummond. William Gibson. Clement Plumstead. William Dockwra, and Proxie for Thomas Hart.

From the Proprietors of East Jersey to the Planters.

[From "Grants and Concessions," p. 138.]

ROBERT BARCLAY, Governor and one of the Proprietors of the Province of East New-Jersey, and the other Proprietors thereof, unto the Planters and Inhabitants of the said Province, sendeth Greeting.

Soon after it pleased the Almighty God, by his Providence, to make it our Lot, to have the Interest of that Province, we esteemed it our Duty to be much concerned in taking due Care of the Affairs thereof, and accordingly we sent over two of our Number in *October 1682*, with Instructions and a Declaration to you of our just and honest Intentions.

Since that time having received both full Information from them, and divers ways coming to understand more fully the State and Condition of things there, We are capable to make a more perfect Judgment of our Interest and of your Circumstances in Relation to us, and have therefore for the better settling both the one and the

other, sent over *Gawn Lawrie*,¹ (one of our fellow Proprietors) who we hope is before this Time with you, under the Character of our Deputy Governor, in whose understanding and honesty we repose full confidence, and with whom, as we have sent full Instructions and Memorials towards the putting all Things in good Order, so we expect a suitable compliance, on your Parts, to our Proposals made, or to be made, by him, to whom we have given Credentials for that end, in the most ample manner.

But we must be plain to acquaint you, that we were not a little troubled, to find that there are too many dissatisfied and self-ended Persons, among you whose indirect designs did quickly appear in seeking to subvert our just Interest, that they might advance their own unwarrantable Pretences, who we hope are in some Measure rebuked by the disappointment of their vain Expectations of the invalidity of our Right and Title to the Government. The clear Demonstration of the contrary, as it will encourage the more honest and sincere, so it will teach others to mind their duty better for Time to come, and bring them to be better acquainted with us than some of them seem'd to be, when they considered us as Strangers and Persons unknown to them; but however, they may esteem us as such, we resolve not to be so foreign to our Interest there, but that we shall make it manifest, that Distance of Place

¹ The name of GAWN LAWRIE is first met with, in the history of New Jersey, in connection with those of William Penn and Nicholas Lucas, as one of the assignees of Edward Byllynge. Lawrie was one of his creditors, and the management of his affairs probably led him to embark, with Penn and others, in the East Jersey enterprise. As will be seen on page 425, his commission as Deputy Governor of East Jersey was issued in July, 1683; and shortly afterward he sailed for the Province, and took up his residence at Elizabethtown. The first business requiring his attention was the establishment of the seat of Government, in conformity with the views of the Proprietors, at Amboy Point, which, in a publication the preceding year, they had introduced to the world as "a sweet, wholesome and delightful place," and early in 1684 he had it laid out into lots, conferred upon it the name of PERTH, and established a ferry-boat between it and New York. Although he appears to have manifested great interest in the Government of the Province, he failed to secure the favor of the Proprietors, and was superseded in 1686. He brought with him to East Jersey his wife (Mary) and family; one son—*James*, whose daughter, Isabella, married William Davis, of New York—and two daughters; *Mary* became the wife of William Haige, and *Rebecca* married Miles Forster. Lawrie died at Elizabethtown in the Autumn of 1687. See "East Jersey Under the Proprietary Governments," pp. 168, 417, 422. ED.

shall not hinder us from such a narrow search and inspection into our concerns, that those who think either to possess our Lands by unreasonable claims, or any ways to conceal them from us, will find themselves much mistaken.

And it cannot but manifestly appear, to all such that love the Interest of that Colony, that those that went about to propagate any Pretence, to oppose or weaken our Right and Title, could not be esteemed Friends, either to the Proprietors, or to the true Interest of their honest and well meaning Neighbours in our Country, since that was the way to expose the whole to be a prey to others as formerly it has been, but we hope by the Assistance of God, and the King's Justice and Favour towards us, so to prevent such Practices for the future, that all People residing in the said Province, (or any way concerned therein) may rest in full Assurance of being protected in all their just Rights and Priviledges, and to receive all due Encouragement from the Proprietors.

And as we have taken all just Care in those Matters, that you may reap much benefit thereby, so we do reasonably expect a due Submission on your Parts, to our just Rights, and to the Kings Letter consequential thereunto, which before this Time will be with you.

We have seen and considered your Addresses made to some of our Number upon their Arrival, and hope that in a great Measure your desires therein are answered, as to what relates to the former Oppression you have been under, either from your Neighbours, or those who have heretofore govern'd you. But we find you lay that Stress upon your purchase from the *Indians* which it will never bear, for we would have you informed, that thereby you have acquired no Right but what is duly confirmed by us, or our legal Predecessors, unless you would renounce all Interest and Protection from the King of *England*, and so Subject your all to a just forfeiture, but we will not now descend into particulars, having given our Deputy full Instructions in all these Things, only we would have

you know that we have sent over by him, such a Scheme of Government, of which we may say without vanity, it is both just and kind to every Inhabitant in the Province, the Benefits whereof you may partake off, provided (as it is our desire) you may deserve it by being no less just to us than we are ready to be kind to you, so Wishing you and your concerns all good Success, we commit you to the Protection of the Almighty and are your real Friends.

Barclay. Perth. Drummond. Geo. McKinzie. Peter Sonmans. Ro. Burnett. Wm. Gibson. Barclay, for Ro. Gordon. Wm. Dockwra, and Proxy for Thomas Hart. Walter Benthall. Thomas Cooper. Thomas Barker. Clement Plumstead.

Given under our Seal of our Province in *London, February Twenty nine, 1683-4.*

Letter from Sir John Werden to Governor Dongan.

[From "New York Colonial Documents," Vol. III., p. 341.]

SIR [Extract.] St James's 10th March (8^s)

. The Comm^{rs} are unanimous in it, that no land beyond the bounds of E and West Jersey (betwixt the Rivers) ought to be separated from yo^r governem^t upon any termes, and y^t you should use great care to hinder M^r Pen and the inhabit^{ts} of both Jerseys from obstructing y^e Peltry trade of New York, and y^t in ord^r to y^s you should prevent all you can the uniteing of any part of either Jersey with M^r Pen (who as you observe) is very intent on his owne interest in those parts

Yours, &c



For the HON^{BL} Co^{LL} DONGAN His R^{LI} H^S Lieu^t and Gov^r of New Yorke & its Dependancyes.

From King Charles II. to Edward Byllynge.

[From London Public Record Office, "America and West Indies," Plant. Gen., Colonial Entry Book, No. 93.]

To Our &c. EDWARD BILLING Gent^l Governour of our Province of West New Jersey, and to the Governour thereof for the time being

TRUSTY &c WHEREAS We are informed of great disorders and depredations daily committed to the prejudice of Our Allies contrary to Treatise between Us, and the good Correspondence that ought to be maintained between Christian Princes and States; and We having already given strict Order in Our Island of Jamaica against such illegall proceedings, by passing a Law for restraining and punishing Privateers & Pirats; Our Will & Pleasure is, that you take care that such a Law (a Copy whereof is herewith sent you) be passed within Our Colony, whereof you are Governour which you are to certify to Us by the first opportunity. And so &c Given &c Newmarkett the 15th day of March 168³ in the Six & thirtieth yeare of Our Reigne.

By his Maj^{ties} command

SUNDERLAND

Proceedings of a Council, at Fort James, on Indian Affairs.

[From a certified Copy in the Library of the New Jersey Historical Society; Papers of F. J. Paris, "A," p 61.]

AT A COUNCIL held at Fort James Aprill 9th 1684

Prsent the Govern^r Capt A Brockhols M^r ffr flypsen
M^r Steph: Van Cortlandt M^r L Santen.—

Post Meridicm.

The Indians of Minisinek being present
the Govern^r sayd that they having been always Freinds
to this Governm^t he wondred they had not been to see

him that the Mohoacks & others had done it that having sent for them about a little business he would give them To Tokens and gave them four Duffle Coats &c^a that the Duke having given some land to them of East Jersey to settle on and to be purchased wth the consent of the Indians he had sent for them to go along with some of this Place to run the line where that land is to be divided and that they go up Straight to Delaware River that he would take no land but what he buys from the Indians and that they of East Jersey are not to buy any on o^r side of the line of Partition.¹

That he expected some from East Jersey and he would have them to go Straight from Hudsons River to Delaware River and that one Sachem of each Nation should go and 6 others that he would have them Stay until they of East Jersey come and should have Provisions until then.

They answer they would do so but desired that they might go on the other side to Bergen and stay there until they were sent for.

*Instructions to Deputy Governor Lawrie and Other
Proprietors.*

[From "Grants and Concessions," p. 195.]

ROBERT BARCLAY, Governor and other of the Proprietors of East New-Jersey.

To GAWN LAWRIE, our Deputy Governor of the said Province, and to the Persons hereafter named, and to such other qualified Proprietors

¹ The Minisink lands lay between the river Delaware and the Blue Mountains, partly in Sussex County, New Jersey, and partly in Ulster and Orange Counties, New York. They comprised much valuable territory, which was soon occupied by settlers. The title was confirmed by Queen Anne in 1704, and the whole tract subsequently divided by commissioners among the owners.—John Clement's "Notes and Memoranda Relating to the West New Jersey Society," p. 111. Ed.

and Proxy's who shall come upon the Place, sendeth Greeting.

WHEREAS we have considered the Necessity in order to a full Settlement and good of our Province, that there be full and ample Power constituted in some Persons upon the Place, to do all Things that may contribute to the Good and Advancement of the same, whereby the Persons so acting may with full confidence and assurance proceed, and others there may with the greater freedom and clearness treat and conclude what is and may be necessary: Out of the Trust and Confidence we repose in our Trusty and well beloved Friend *Gawn Lawrie*, whom we have already constituted Deputy Governor of our said Province, do hereby give and grant unto him our full Power and Authority, by and with the Consent and Advice of *Thomas Rudyard*, Secretary of our said Province; *Thomas Warne*, one of our Fellow Proprietors, *David Toshack*, of *Monyweard*, Partner with *James Earl of Perth*, and Sir *George McKinzie*, of *Tarbutt*, and Proxy for them, *John Campbell*, Partner with and Proxy for *John Lord Drummond*, of *Landrie*, *Robert* and *Thomas Fullerton*, *David Mudy*, and *James Johnson*, who are Proxies, respective for *Thomas Hart*, *Thomas Barker*, *Clement Plumstead*, and *Thomas Cox*, *John Barclay*, and *David Barclay*, *Thomas Gordon*, *Aurthur Forbis*, Captain *Patrick Magrager*, all Sharers in Propriety's; *George Willcocks*, Proxy for *Robert Gordon*, and Sharer of a Propriety, together with such other of the Proprietors as may come upon the Place, (who are Qualified according to the Constitutions) and such other Proxy's as we may make hereafter, to whom we commit our full Power to Act, and do for us even as we ourselves could do if present for the good of the Province, in the things and with the Reservations hereafter mentioned; agreeing nine of them to be a Quorum, and the Major Part present to have Power to determine, and our Deputy Governor to have two Votes, *viz.*

I.

To approve and confirm such Acts of Assembly, as from Time to Time there shall be found a Necessity to establish before Copies can be sent hither for our Confirmation, but when the *Fundamental Constitutions* are passed in Assembly, then to proceed according to them.

II.

To end and agree all Matters now in Debate betwixt the Proprietors and the former Planters of the said Province, and others, as to their pretences to Land, and as to the Arrears of Quit-Rents, as to settlement of them for Time to come, and to grant them Patents accordingly, but not to sell off any of our Quit-Rents, without our particular Order for that Purpose.

III.

To order, settle, sell, let, or dispose of by Patents, the Lotts for building, and other Lands of *Perth*, so as may best conduce to the advance and improvement of that Town, yet so as they may not reach the Share, in part or whole, of any Proprietors, who have already given particular Directions for the building upon or settling of their Lots for themselves or their Friends, or any in their Name: And what shall be so sold, let or disposed of, the produce to be applied to the respective Proprietors whose Lots they are.

IV.

To purchase and take up Land in the Proprietors Names (and no other) from the Indians as they see Cause, or find it Necessary.

V.

To set out Land upon Rent, to any there who may offer to settle: And tho' in this we will not straiten or limit them, yet we desire all the forbearance that may be, until we see what further Prospect there may be of sending over People enough from *England*, *Scotland*, and other Nations for that end.

VI.

To run the several Lines of Division, and determine the Limits and Bounds of the said Province, either with those of *New-York*, or *West-Jersey*.

VII.

To take the readiest way they can, either out of the sale of Lands, or out of Arrears, or present Quit-Rents, or any other Effects belonging to the Proprietors in the said Province, so as may make good to *Thomas Rudyard*, *One Hundred and Eighty Pounds*, which together with *Twenty Pounds* due from him to the publick Stock by three rates laid on each Propriety, one of *Ten Pounds* and two of *five Pounds* a peice, do make up *two Hundred Pounds* Sterling, Value in *England*, being allowed him for his Service while he was Governor. These being the chief Matters we can learn from our Intelligence from them, as necessary to be at present taken care, for all other things of less Moment being sufficiently expressed and fully provided for in former Instructions and Warrants, we give them as aforesaid, our full Authority in the premises, reserving to ourselves the Power of Revocation of this Authority when we shall see Cause; in the mean time until Revocation, whatsoever is acted hereby to be in full legal Force and Virtue.

Given under our Hands and Seal of our Province in *London*, *August*, *Primo*, 1684.

R. Barclay. Perth. Drummond. R. Barclay for Rob. Burnett, and Rob. Gordon. Tho. Cooper. Tho. Cox. William Dockwra. Thomas Hart. Walter Benthall. Richard Mew. Thomas Barker. Clement Plumstead.

To *Gawn Lawrie*, Deputy Governor, and to all others herein mentioned, whom this may concern.

*Earl of Perth and Other Proprietors of East Jersey to
Governor Dongan.*

[From "New York Colonial Documents," Vol. III., p. 348.]

SIR

Wee did promise our selues in you a good and kind neighbour both, Judging you would have so inclined to a Colony wherein wee are soe much concerned, And that the regard you haue to your Master's honnor and intrest would haue obliged you to do it, considering wee are such as haue the happinesse to claime ane interest in his fauo^r, Wee have discoursed with his Commissioners at London of these things y^t were by you proposed in relation to the bringing our Colony under the Government of New Yorke, and doubt not but we have convinced them of the reason which induce us not to yeald to such a proposall, And wee Doubt not both the Duke and they are fully convinced of our right in everie Respect; Both of Gouverment, Ports, and Harbours, free trade and Navigation, and hauing spoke to the Duke wee found him verie just, and to abhorr the thoughts of allowing any thing to be done contrary to what he hath past under his hand and Seale; And wee persuade ourselues you will lay aside all thoughts of attempting what may reflect upon the Justice or honnor of Your Maester, or may give us just reason to complaine, Since there shall be no thing wanting on our Part that may tend to ane adwantadgious corespondance, which as wee expect from you So shall be seriously recomended by us to our agents and alwayes entertained, By

Your assured friends and Seruants

PERTH.

GEO. MCKENZIE

J. DRUMMOND

Edenbrough 22^d August 1684

for COLONELL DONGAN Leuta'nt to his R. H. In New
Yoark And Commander in cheiffe of all his territorie
in America

Account of Shipment to East Jersey, in August, 1683, by
Some of the Proprietors.

[From a Copy among the Manuscripts of W. A. Whitehead.]

A BREIFF ACCOUNT of the Disposall of the Joynt
Stock sent upon the Shipp Exchange James
Peacock M^r the Last of August 1683. By
David Barclay To East Jersey, by some of
the Proprietors thereof;

Viz ^t There was Caryed over in goods. The Servants, freight, & some of the oat-meal which was sould here again, and all other charges Deducted out of the	} £945. = = =====
Note, the charges of furnishing out the two overseers and all the servants cost above 300lb only a few beds &c: in- cluded which made in all as above	} £344.18 = = =====
So that there was in goode but	£600. 2. = =

In 1684] Memorandum of this. ther is in Cattle in
the overseers and servants custody Viz^t

John Hanton hath 9 Coves	
John Reid 8.	
James Reid and Peter watson 4. In all 21 Coves and 15 Calves	

More. John Hanton received 6 oxen	
James Reid and Peter watson 4	
John Reid 6 In all 16 oxen	

It Makes 37.

A Bull in halve
for acco^t Wil-
liam Dockwra

This is 37 head of Cattle, besides
the 15 Calves, and a Bull bought
in partnership with John Car-
rington overseer to W^m Dock-
wra the cost and Charges of
them all amounts to . . . £155.15.

In horses and Mares as follows viz^t

John Hanton hath 2 horses and 1 mare

John Reid . . . 2

4

James Reid and Peter Watson 2 mares

3

Horses & Mares In all 7. cost £38. 9. 2½

In Breeding Soves, viz^t

John Hanton received 2.

John Reid . . . 4.

James Reid and partner 2. In all 8 cost . . . £8. 4. 5½

Delivered in provisions vtensills and necessarys to John Han-

ton the value of £144. 6. 11

Delivered to John Reid in provisions & necessarys £147. 2. =

Delivered to James Reid and peter watson in provisions and } £30. 2. 6
necessaries the value of }

Disburst for several publick charges on the companys acco^t } £212. 10. 1
and for building John Reid houses as p. account . }

Quæ
these 3 Articles
of
John Barclay
&
the overseers

Left in goods and provisions viz^t

corn and pork in the Cuntry

the value of £81. 17. 7

In Debts there the value of . . . £105. = =

In John Marsh hands for build- } £35. 10. 9
ing John Hantons house . }

My expences in the Cuntry & passage to London . . . £48. 4 -

Brought over with me having Deducted nothing for my owne } £58. 18. 4
provision being 20 Months in the companyes service }
£47^s 2^d 10^l starling is in that Cuntry money . }

1 So that the Stock in Cattle & y^e building & all } Total £1066. 1. 7
charges in settling cost }

And the Servants to remaine for 4 Yeare from their first tyme

This is David Barclays Abstract of things wherein I am concerned one hundred pounds stock. a true Coppie of what he gave to me

WILL: DOCKWRA

The large acco^t of particulars are entred in the books

Account of the Respective Interests in the Cargo of the Ship Exchange, Sent to East Jersey, in August, 1683.

[From a Contemporaneous Copy among the Manuscripts of W. A. Whitehead.]

The Cargo Sent over with David Barclay Yonger to East new Jersey belonging to severall Proprietors and others after named concerned in the Said Province in the Ship Called the Exchange of Stockton James Peacock Master which Sailed from Aberdeen the Last of August 1683, being examined according to the particular Invoice of goodes thereof left and Subscribed by David

Barclay appears in whole to be 973 : 5 : 9½

NOTE
they arrived not vntill Mid: }
Decemb. being 3mo & ¼ passage }

It is to be noticed that all the Sumes placed to A. S. Credit on the other side amounting to 47 : 7 : ¼, there is to be deduced 10 to Perth Lundie and Tarbutt, which they allowed to him in their accounts (viz) 50 to Lundie, 25 to Perth, and 25 to Tarbutt, So rests of A. S 37 : 7 : ¼, and out of this is to be deduced 15 he received from Bart. Gibson for a share in Ambo point which lott of 10 Acres coming off proportionably of all the Shares concerned in the Stock being 8½ Proprieties whereof 3½ belongs to A. S. viz his owne, that in Bart. Gibsons name, that in Gawen Lawries name, and the halfe in John Hancocks name, the partners one, Robert Gordon and Gawen Lawrie one, William Dockwra one therefore this is being divided amongst the 8½ to the 5 will belong 8 : 17, and to A. S. 3. So that the Stock on the other side is thus proportioned the 8½: 17 being deduced as above there is belonging

To Arent Sonmans children 348:10:04½
To Perth Lundie and Tarbutt 100:00:00

Which as it was at Severall times by parcels in money and goodes delivered to him, standeth as followeth.

from Arent Sonmans in goodes } D sh d	
bought by him at Edembrough } 024:09:03½	
from him in Cash	075:00:00
from him more in Cash, there be- }	
ing included in this 15: he re- }	
ceived from Bart. Gibson for a }	
lott in Ambo point	107:06:09½
from him in goodes from Holland } 158:08:11	
from him in Cash	038:02:04½
from him in goodes from Holland } 023:05:00	
from him in goodes from London } 081:00:00	
	D: Ss: d
	457:07:04½

To Robert Barclay	100:00:00	from Robert Burnett by bill on)	
To Robert Burnett and partners	124:16:02	John Drummond	012:10:00
To William Dockwra	100:00:00	from him in Cash	058:06:08
To be divided among the last 5, for the		from him more in Cash	051:13:05
reason above mentioned which is to		from him more in Cash	029:03:04
each: 1: 15: 4: 3 ¹ / ₅	008:17:00	from Robert Barclay	100:00:00
To David Falconer.	050:00:00	from Robert Gordon of Chimey	050:00:00
To David Barclay	010:10:00	from Gaven Lawrie	050:00:00
To Ballance given out for Meale by Robert		from William Dockwra	100:00:00
Burnett which being left behind, 1 and		from David Falconer in goodes	050:00:00
Sold repaid him	026:17:03	Advanced by David Barclay	010:10:00
Also to Ballance to be paid the Master of 1		To Ballance which he must pay the Master in	003:15:00
ffraught in Jersey he wanted	003:05:00	Jersey he wanting so much of his ffraught	
	973:05: 9 ¹ / ₂		973:05: 9 ¹ / ₂

The Conditions allowed to David Barclay and to the overseers in the Management of this Cargo as appears by a resolution made by Several of the Scotts Proprietors daited at Edenbrough the 9th feb: 168¹/₂ were; That David Barclay: should have besides his necessarie charges a lott of 10 Acres in Ambo Point, and Such provision Afterwards as is usual in Such causes for putting off the goodes, and providing the Stock in Jersey So long as he continued with it according to the ffactorie granted him daited of May 1683, and the 2 overseers John Hanton and John Reid were to have 25th English yearlie, and for payment of the first year each a Share of ten Acres in Ambo

1 "at Abberdeen, the Ship not having roome to take," says another copy of the document. Ed.

Point which being accounted at 5^s a pice with 10^s of money they received in Scotland ere they went away completed their first yeares payment the others¹ they are to have out of the Stock upon the place, and a weekes service of the Servants for each of the 4 yeares to cultivate this, the Servants according to their Indentures are to have 25 Acres each, the trades men of them 30 paying 2^d an Acre according to the generall concessions printed by all the Proprietors at London 1682 besides some particular casualties which causes some Difference according to their capacities as the particular Indentures does witness, And it is to be noticed that this 3 lotts of 10 Acres upon Ambo point to David Barclay, John Hantone, and John Reid, as also that Sold to Bartholomew Gibson the price whereof went into this Stock is to be devided pro rato out of the Shares of all the Proprietors here concerned.—This being then a true state of the above mentioned Stock.—

Wee undersubscribers being the persons concerned therein doe declare this to be a Just division thereof and that our respective Shares after 4 yeares when the time of the overseers and Servants doth expire which will be in or about the Month of December 1687 shall be proportioned accordingly that is all the corne and Catle and other moveable fruits and emoluments arising from the same after the crop 1687 shall be Justlie devided among us according to our interests; but for what is immovable to witt house, fences, and Inclosures and the Inherent Improvement of the Soile, It is to be valued by persons of known skill & Integritie appointed by the Governor and Council for that end, and to be bought off by anie one concerned willing So to doe, paying the rest according to their Interest, because it would make but inconvenient fractions to divide it and the dividends hardlie

1 Quar. Years' payments. Ed.

yeald to anie one a sufficient plantation, and in caise of 2 or more concerned willing thus to purchase it, to avoide debait, the preference shall be yealded, by the votes of the Major part of the rest, it being hereby also provided, that whoever thus purchaices the improvements of the Soile Shall allow the whole number of Acres in the division of his owne Interest of 10000 Acres appointed to be sett off to each Proprietor, and to the rest nothing shall be discountmpted of their Land for that cause, in witness of all which premises wee have Sealed and Subscribed so many copies of this Account and Instrument as may Serve all concerned, that anie one of them being presented to the Register of the Province may be recorded, for preservation, that an extract under his hand may Suffice to evince everie ones claime, and procure such execution for Satisfaction of all or anie one Interested as is needfull

dated in Scotland, London, and East new Jersey the fourth day of June & the 1684—

[*Endorsed* :]

acco^t &c recd: Apr. 19th 84.

. . . Coppie signed & written fair &
one sent to G Lawrie by Cap^m Hamilton
June 1686.

Note.—The initials "A. S." in the first part of this document, stand for Arent Soumans. Ed.

Instructions Relating to the Setting Out of Land in East Jersey.

[From "Grants and Concessions," p. 190.]

ROBERT BARCLAY, Governor and one of the Proprietors of the Province of East New-Jersey, and other of the Proprietors thereof.

To the Deputy Governor and the Proprietors in Council there, GREETING.

WHEREAS in the Month of *March* last, there was sent by *Thomas Singleton*, bound for *East Jersey, &c.* An Instrument bearing Date the *Twentieth* Day of *February* last, wherein the Proprietors did among other Things, give Order for the setting out of convenient Tracts of Land, to accommodate small Purchasers at their Arrival in the said Province to settle upon, to be appointed them out of the first Parts and Dividends of the *Ten Thousand* Acres, order to be set out for a *Twenty fourth* Part to each Proprietor, (and so pro Rata) out of such Lands belonging to them, of whom they particularly purchased. We having since further considered that such small Purchasers, who are now ready to transport themselves, and others who may shortly after follow them, may have occasion for more Land to settle their Familys upon, than can be had for their share out of the first Dividend of the *Ten Thousand* Acres taken up, or due to such particular Proprietor or Proprietors of whom they purchased: Now in Consideration of the great Benefit that will accrue to the Colony in general by encreasing the Numbers of laborious People, to go over with their Families to plant and improve the Country, and being well satisfied that one way to promote so good a Work, is to give good Encouragement to all small purchasers by furnishing them as soon as they come over, with a sufficient Number of Acres, to make a good Farm or Plantation in one Place.

We the Governor and Proprietors abovesaid, have agreed, and do hereby order you the Deputy Governor and Proprietors that are of the Council, or the Major Part of you, first to Cause the Surveyor, by your Consent and Direction, to set out to every such small purchaser as shall come over, their Shares due to them, out of the Dividends of that Proprietor or Proprietors, of whom they have purchased, proportionable to what they have bought, and if any small Purchasers Share out of the Proprietors Dividend, (of whom he bought) amount not to *five Hundred Acres*, then that you make up *five Hundred*, (if the Purchaser desire it) out of the rest of that Proprietors Land of whom he purchased.

But if any Proprietor have sold to several small Purchasers, so that each that come over, cannot have *five Hundred Acres*, out of his Share, of the first Dividend of Part of the *Ten Thousand Acres*, then those Purchasers who first came together, shall have their proportionable Share (a peice) towards making up *five Hundred Acres*, as far as such Proprietors Dividends will amount unto of whom they bought; the true Intent and Meaning thereof being this. That where any Proprietor (who hath not sent Stock and Servants) shall sell any Part of his Land to one or more Purchasers, his whole first Part or Dividend of the *Ten Thousand Acres* shall be taken, (if need require) to accommodate these small Purchasers to whom he sold, with *five Hundred Acres* of Land a peice, (if they desire so much) before any others of the Proprietors Lands shall be meddled with for that purpose.

Be it also further Agreed, that in Case there be not sufficient Land, in any Proprietors first Dividend of the *Ten Thousand Acres*, (who have done nothing towards the improvement of his Part, by sending Stock and Servants) as to make good *five Hundred Acres* to each small Purchaser (to whom he has sold) when he comes to settle his Family in the Province, then in such case that the Surveyor (do by your Consent and Direction) first set out

to such small Purchasers, so much as his Share comes to, and what more can be made out of the remainder of the first Dividend of the *Ten Thousand Acres* belonging to that Proprietor of whom he purchased ; and what is wanting of *five Hundred Acres* to each small purchaser, it shall be lawful for you the Governor and Major Part of the Proprietor of the Council, and you are hereby ordered to cause the Surveyor (by your Consent and Direction) to set out without delay so much Land, out of some other of those Proprietors Shares or first Dividend of the *Ten Thousand Acres*, as shall be enough to make up every small Purchaser full *five Hundred Acres* (if he desires so much) at his first coming to settle his Family in the Province,

And we the said Governor and Proprietors desire that you the Deputy Governor and Major Part of the Proprietors, in the Council, have respect to these particulars following, in the Prosecution and Managing of this Order, viz.

I. That no Land be set out to these small Purchasers by his or your particular choice, or election, even from the Share or first Dividend of the *Ten Thousand Acres* that falls to that Proprietor of whom he or they bought, but that their Part thereof, (whether more or less) be divided by Lot to them.

II. That where any small Purchasers shall be accommodated with more Land out of any other of the Proprietors first Dividend, of the *Ten Thousand Acres* as before is appointed, it shall not be taken out of such Proprietors Land who has sent Stock and Servants, or made any Settlement on his Share but out of such Proprietors Shares who have not sent Stock and Servants, and whose Lands lye unemployed and not improved.

III. That the making up of the *five Hundred Acres* to each small Purchaser (if he desire it) shall be set out of the Proprietors Dividend who has not sent Stock or Servants, that lies contiguous to such small Purchasers first Part of the five Hundred Acres of Land set out or intended

to be set out to him: And in Case no such Proprietors Land lye contiguous (or next adjoining) then 'tis left to you the Deputy Governor and Council, to appoint the Surveyor out of which of such Proprietors Dividend to set it out, but it shall not be otherwise set out, than by casting an equal Lot.

IV. That where any Proprietor having his full *Twenty fourth* or *Forty eighth* Part, sends over in his Name, either Servants or Stock, or such that are willing to farm Land of him, so as to become his Servant, shall have as large Tracts of their Proportion, as may suit with the Number of People thus sent over upon their Account, and the conveniency of the Place and other Circumstances, to be adjudged by the Deputy Governor and concurrence of the Major Part of the Council.

V. That due care be taken to reprize every such Proprietor as Parts from Land, to accommodate such small Purchasers out of the next Dividend of the *Ten Thousand* Acres, or as soon as so much Land is found to make it up, and that as near as may be, the like Land for Quality and Goodness and Situation be made Good, and where that cannot be had, that special Regard be had to repair them by Quantity and by such other consideration, as in the ballance of Justice and Equity, the Exchange may be made equal.

VI. That such small Purchasers have no more Land than his own Share comes to in the second, third, fourth or any further Dividends of Land than the first *five Hundred*, Acres, unless he have first cultivated and improved the said *five Hundred* Acres, and wants and desires more, and in such Case the Deputy Governor and Major part of the Council to adjudge thereof, and if they see it just to give him more Land for further Encouragement, yet we hereby limit that it shall not exceed *five Hundred* Acres more. And such small Purchasers as have bought under a Tenth Part, shall not have more Land than *five Hundred* Acres at first, nor afterwards more than their Share of

the whole first *Ten Thousand Acres* reaches to, until another Dividend beyond the *Ten Thousand Acres* be made.

VII. You are hereby ordered, that strict Care be taken, that no Part of any Proprietors Interest whatsoever in the other Moiety of that Tract of Land upon the South of *Rariton River*, called *Changorora*, (one Moiety whereof being already allowed to be taken up by the *Scots*) nor any land at *Amboy Point*, nor within two Miles distant every way round the intended Bounds of the Lands belonging to the intended Town or City of *Perth*, (as it is demonstrated in the last new Model drawn and sent you by *Thomas Singleton*) be taken away to be added to any of these small Purchasers, or any other Purchasers, but that every ones Share and Interest, and Dividend therein, be reserved to himself, as well to those Proprietors who have not sent over Stock and Servants, as to those that have.

Nevertheless it is not to be otherwise understood, but that every small Purchaser has a right to his own Dividend in the said Lands of *Changorora*, and his Share in *Perth-Town*, and the Lands about it, and you are to appoint the Surveyor to set him out his Dues accordingly out of the Dividend of such Proprietor of whom he bought, according to the Proportion of the said Purchase, and not otherwise.

Lastly, We hereby unanimously agree that this order do continue for the Term of *four Years* next following the Date hereof and no longer.

GIVEN under our Hands and Seal of the Province in *London*, *May third*, *Anno Domini*, 1684, and in *Scotland*,
May 1684

Barclay. J. Drummond. Rob. Burnett. Clem. Plumstead. Will. Dockwra, for himself, and as Proxy for the Earl of *Perth*. *Tho. Hart*, for himself and *Walter Benthall. Tho. Cox. Tho. Cooper. Rich. Mew. Tho. Barker. James Brayne. Tho. Robinson. Willm. Gibson*.

Duke of York to Governor Dongan

[From "New York Colonial Documents," Vol. III., p. 348.]

COLL. DONGAN

My Com^{rs} are makeing w^t dispatch they can wth those Bills that you have sent hither, and particularly wth y^t w^{ch} conteynes the Franchises and Priviledges to y^e Colony of New Yorke, wherein if any alterac'ons are made (either in y^e forme or matter of it) they will be such as shall be equally or more advantagions to the people there, and bett^r adjusted to y^e laws of England. In the mean time because of some rumours I have mett wth as if some of yo^r neighbors und^r colour of grants from my selfe or upon some other groundless pretences endeavour all they can to obstruct y^e trade of New Yorke and Albany; I thinke it fitt hereby to recomend that to you in an especeall manner that you may not suffer any innovac'on within that river, nor any goods to passe up it but what shall have paid the dutyes at New Yorke; we to p'serve the cheife benefitts of y^t trade to the inhabitants and traders of New Yorke and Albany w^{ch} is agreeable to y^e Laws of yo^r Colony and the practice of yo^r p^rdeces^{rs} and necessary for the collecting those Customes and other dutyes w^{ch} must helpe to support yo^r governem^t, And if you find that y^e Inhabitants of East Jersey have any other way of tradeing wth the Indians then by the River of N. Yorke that you will use your endeavours to prevent it, and give me advise thereof wth yo^r opinion w^t is proper for me to doe in it: my desire being to preserve the Indian Trade as entire as I can for the benefit of the Inhabit^s and traders of New Yorke preferably to all others

I am &c

Windsor 26th Augst (84)

To COLL. DONGAN &c

Sir John Werden to Governor Dongan.

[From "New York Colonial Documents," Vol. III, p. 349.]

SIR [Extract.] St James's 27th Augst 1684
 You say Cap^t Billop will sell his planta-
 c'on on Staten Island,¹ and if he doe, certainly 'tis best
 y^t you endeavo^r to procure some inhabitant of New Yorke
 rather to buy it yⁿ suffer any of those of New Jersey to
 doe it; but whosoever buys land in y^t island, it being
 under yo^r governm^t he must be lyable (as well as others)
 to the Laws thereof.

Touching Susquehaunnah River or lands ab^t it or trade in
 it, w^{ch} the Indians convey to you or invite you to, we
 thinke you will doe well to preserve yo^r interest there as
 much as possible that soe nothing more may goe away to
 M^r Penn or ether New Jerseys. For it is apparent they
 are apt enough to stretch their priviledges as well as the
 people of New England have beene, who now probably
 will be reduced to reason by prosecution of the Quo War-
 ranto w^{ch} is brought agst y^m.

FOR COLL DONGAN &c

*Instructions to Deputy Governor Lawrie, Relative to the
Taking Up of Land in East Jersey.*

[From "Grants and Concessions," p. 198.]

ROBERT BARCLAY, GOVERNOR and one of the Pro-
 prietors of the Province of East Jersey, and
 other of the Proprietors of the said Province.

To our Deputy Governor GAWN LAWRIE, and to

¹ On the south end of the island, opposite Perth Amboy; subsequently known as
 "Bently Manor." Et.

the Deputy Governor for the time being, and all others whom these Presents may concern, Greeting.

WE the Governor and Proprietors abovesaid, having of late received sundry Letters from our said Deputy Governor, concerning the Estate of our affairs in the said Province, and having duly considered them, have thought fit for the better settlement of the Particulars hereafter mentioned, to give and grant our full Power and Authority unto our said Deputy Governor *Lawrie*, and the Deputy Governor for the Time being, joined with any five or more of the Persons who are upon the Place, and are Named in the late Instrument, Dated the *first Day of August* last, or the Major Part if under five of them upon the Place.

I.

To end all Controversies and Differences with the Men of *Neversinks*, and *Elizabeth-Town*, or any other Planters or Persons whatsoever, concerning any pretended Titles, or claim to Land in the said Province: And we do hereby declare that we will not enter into any Treaty on this side, with any of those People who claims by Colonel *Nicholls* Patent, nor with any others that challenge Land by Patents from the late Governor *Carteret*, as being both an Affront to the Government there and of evil consequence to make Things to be put off by delays, and thereby hinder the settlement of our affairs in the Province.

And we hereby forbid the selling of any of our Quit-Rents whatsoever, only we do allow the acceptance of Land back again, or Composition for Arrears, as in a former Instrument was appointed.

II.

We give our said Deputy Governor *Lawrie*, or the Deputy Governor for the Time being, in Conjunction with any five of the commissioned Persons aforesaid, or the major Part of them if under five upon the Place, our full

Power and Authority to ratify all the Laws which he hath lately confirmed, to continue for the space of three Years, to commence from the Day of passing of the said Laws in the Assembly of the said Province; excepting the Law relating to the Militia as it is already restricted by the Deputy Governor; and that Clause in another Law disabling *Henry Greenland* to bear Office: And as to the Law which relates to the first Day of the Week, we recommend him and them to a further Consideration thereof, least it prove a burthen to some tender Consciences who may find it their Duty not only to testify against the Jewish Superstitions, but also against some others in that Point. We do also hereby empower him and them to ratify and confirm all such Laws as shall hereafter by Act of Assembly be made, for the like Term of three Years from the Date they shall be past. But we do require this one Thing concerning the Court of common Right, that it be always held at our Town of *Perth* if it be possible; and that all other necessary Courts, as also the Assembly (when called) do sit there; and particularly the Deputy Governor, for the Time being, do inhabit there, and convene his Council in the said Town of *Perth*.

III.

To remove the Restrictions in the late Instrument in favour of those Persons who have purchased Shares, and such as have sent Stocks, or gone over to settle in the said Province. That *Changoraza*, or any other Place, be not limited, seeing by that Example we are subject to wrong Notions of the Convenience and Situation of Land, so that by making such Limitations we hazard the perplexing of a right Management of those Things which we would have carried on for the Accommodation and Encouragement of all that send Stock or go over to settle in the said Province.

IV.

To set out forthwith, without delay, to all those who have imported Servants since the last Grant from the

DUKE, of the *Fourteenth* of *March*, One Thousand Six Hundred Eighty and Two, their just dues for each head to continue until the *Twenty fifth* of *March* next ensuing the Date hereof, and that such Servants as have or shall come into the Province, within that Limitation, may have their Twenty five Acres, set out to them upon their Application, and be possessed thereof as soon as their Times of Indentures be expired, provided the Master or Mistress do Certify to the Governor and Council their fulfilling the Contents of their Indentures, or Articles; or in failure thereof, the Servants making it appear to them by sufficient Testimony: And for all such Lands relating to Servants Heads imported, We the Governor and Proprietors do give our full Power and Authority to our Deputy Governor for the Time being, to grant Warrants to the Surveyor immediately, to set out such Lands to whom it is due, and to proceed therein according to the form prescribed in the Concessions, so as a Deed or Patent may be given and signed by the present Governor *Lawrie*, or the Governor for the Time being, and three of his Council, or by four if more than six, and Sealed with the Province Seal. And for as much as such Land was intended to be freely given for encouraging the Importation of Servants for the good of the Province, also by some Mistake in that Matter is *two Pence* per Acre, appointed to be paid by our former Printed Paper, we do hereby consent and agree, that in such Grants for Land relating to the Importation of Servants, there be only *one Penny* per Head, and no more inserted to be paid as an Annual Quit-Rent for their Land, any Printed Book, Order, Custom or Usage to the Contrary thereof in any wise notwithstanding.

V.

For the avoiding all Exceptions about the due and regular proceeding in setting out of all other Lands in the Province, we do hereby agree, that the Deputy Governor for the Time being, shall Grant his Warrant to the Sur-

veyor to set out any Lands that are to be taken up, or otherwise appropriated to such as have Right, and the Surveyor to proceed according to the Concessions; and when the Grant is ready, the Governor and his Council or any three of them, or four if more then six of the Council shall Sign the Grant, as hath been accustomed by the former Concessions of the *Lord Berkley*, and *Sir George Carteret*, provided nevertheless, no such Warrant be granted, nor no Grant for the time to come, shall be legally in Force and Effect, but what shall first be consented unto and approved by five of those Persons, who are Sharers in Propriety's and Proxies for Proprietors, and are residing upon the Place, and who are named and commissioned in the Instrument aforementioned, Dated the first of *August* last, which was sent by *George Keith*, upon the Blossom, *Richard Martin* Master, which Consent and Approbation shall be understood, by first entering in a Book for that Purpose, the Copy of such Warrant the Deputy Governor is about to grant, and then the Subscription of five at least of the said commissioned Persons, shall be made in such Book, after which the Deputy Governor may give out his Warrant, and he and the other Officers proceed with the Council as formerly hath been used according to Concessions, it not being intended that any but the Governor, and three or more of the Council shall be obliged to sign the Grant or Patent as formerly; this Method to continue about setting out of Lands, until the passing the Fundamental Constitutions, and no longer.

VI.

We hereby declare that in Case there prove a vacancy by Death, Removal or any other Accidents, in the Offices of Secretary, chief Register, Surveyor General, or Receiver General, or any other such Place, our Deputy Governor shall grant his Commission to such Person as he shall see fittest to fill such Vacancy, to continue only for the present Time, until it be known whether the Governor and

the Major Part of the Proprietors there do confirm him or have granted already, but if they not approve of the said Person, then those that our Deputy Governor for the Time being, have placed, are to give way to such, as at any time have had, or shall receive our Commission for any such Place.

VII.

That the Rate of *Five Pounds* laid as a Tax to Publick Stock upon each Propriety, by an Order of the Proprietors entered *Twenty ninth* of *July* last, and of *Ten Pounds* more, laid on each Propriety by an Order of the *Twenty first* of *October* last, towards payment of Debts, and answering publick Incident Charges, be paid by every Proprietor or Sharer in a Propriety lately gone over, and now residing in *East-Jersey*, or the Neighbourhood thereof, to our Deputy Governor for the time being, upon the Demand of him or his Order proportionable to their respective Shares and Interest in the Province, to be answered by all Persons in the full Value of Money Sterling, according to what we pay this side, and not in the Country Pay, and that *Thomas Rudyard*, and *Thomas Warne*, do pay or give Satisfaction to our said Deputy *Gawn Lawrie*, or the Deputy Governor for the Time being, over and above the said two Rates before mentioned, two former Rates, the one of *Ten Pounds* laid on each Propriety, by an Order of the *Twenty ninth* of *June*, 1683, and the other of *five Pounds* by an Order of the *Fourteenth* of *December*, 1683. Also we do hereby, as far as in us lies, give our full Power and Authority to our Deputy Governor for the Time being, to recover and receive, not only the forementioned Rates, but also all such further Proportions of any Tax or Rate as may be laid here on each Propriety, according to the respective Shares and Interest of those residing in *East Jersey*, or the Neighbourhood thereof, and what he shall so receive from Time to Time, to give Credit for the same to the Publick Account of the Proprietors Stock.

GIVEN under our Hands and Seal of the Province, this *Thirteenth Day of November, 1684*, and in the *Six and Thirtieth Year of King Charles the Second, over England, &c.*

William Dockwra, for himself, and Proxy for the Earl of *Perth*, and by Order of *Robert Barclay, Robert Gordon, Robert Burnett, Tho. Cox, James Braine, Thomas Barker, Thomas Cooper, Clement Plumstead, Richard Mew, Tho. Hart, Walter Benthall.*

The following Memorandum is said in the Record to have been indors'd on the foregoing Instrument.

MEMORANDUM, whereas there is yet no Provision made for the Succession of a Deputy Governor in *East Jersey* (Mortality being the Portion of him, as well as any other Person in the Province) 'tis hereby fully agreed, concluded and ordered by the Proprietors of the said Province, that *Robert Barclay*, the present Governor, may at any Time hereafter, conclude of two Persons residing in the Province aforesaid, such as he shall think most fit and qualified for the Government, Provided they be Sharers in Proprieties, and write their Names in two several Papers, Numbering them (1) (2) and Sealing them with the Province Seal, or his own, or both, and transmit the said two Papers to the Deputy Governor and Council, at *Perth*, there to safe and ready lie in case of the decease of *Gawn Lawrie*, or any other Deputy Governor, whereupon the Council shall meet, and first open the Paper No. (1) and the Person whose Name is written therein shall succeed in the Government, and immediately have the full Power and Authority of a Deputy Governor, and the Paper No. (2) shall not be opened, but remain concealed in the same Place as formerly, to lie ready on any further occasion : But if the Person No. (1) be deceased, absent or refuse to accept of the Government, then the second Paper No. (2) shall be opened, and the Person whose Name is therein

written, shall then succeed in the Government, and he shall immediately have the full Power and Authority of a Deputy Governor; and whether one or other Person happens to succeed this Endorsement, shall be as effectual in every respect to establish such Person in the Office of Deputy Governor, as if it were included in the Body of this Order, and he shall hereby to all Intents, Constructions and Purposes, be vested with like full Authority, Power and Right to his Office, as if he had received a Commission from the Proprietors under their Hands and Seal of the Province, in the most ample form: The said Deputy Governor to continue in the Execution of his Office, so long as the Major Part of the Proprietors do approve of him, (or do send over their Commission to some other Proprietor residing in the said Province, to be Deputy Governor) and no longer.

GIVEN under our Hands and the Seal of our Province, on the other side affixed.

Barclay, Ro. Gorden, Burnett, Perth, Wm. Gibson, Walter Benthall, Thomas Hart, Thomas Barker, James Braine, Thomas Robinson, Willm. Dockwra, Clement Plumstead, Thomas Cox, Rich. Mew, Thomas Gooper.

Governor Dongan to the Earl of Perth.

[From "New York Colonial Documents," Vol. III., p. 353.]

MY HONORD LORD

I had y^e Hono^r of a letter from you & some other Proprietors of East Jersey ¹ and are mightily surprised to find by y^t letter y^t I am accused to act some things to y^e Disadvantage of your Colony & Dishonour of my master, Did I know my accusers & y^e crime objected I could be better able to ans^w.

¹ See *ante* page 463.

My Lord, yo^r Lordship may beleiv me I have acted nothing unjustly to y^e prejudice of your agents or people ; It is so far from it, y^t when I found them take wrong measures I advised them for y^e best as I thought both of yo^r proprietors and people what complaints they make of me I know not, but am sure the people cry out very much against them.

What I wrote to his R^l High^{ness} and his Comissioners, as his servant, I was certainly obliged to, and to give my opinion what is Convenient for y^e Intrest of this Province, and I beleive had your Lordship bin in my station you would haue Rep^rsented y^e great inconveniencys of haueing two distinct Governments, uppon one River, yours haueing y^e advantage of being some Leagues nearer y^e sea than wee are.

Your agents have dispersed printed papers to y^e disturbance of y^e inhabitants of Staten Island, It hath been in the possession of his R^l High^{ness} above twenty years (except y^e little time y^e Dutch had it) purchased be Governour Lovelace from y^e Indyans in y^e time of S^r George Carteret, without any p^rtences 'till y^r agents made claime to it, it is peopled with above two Hundred ffamilies.

My Lord to convince yo^r Lordship y^t I have done nothing amiss in writing how convenient it would be to regaine East Jersey I doe assure you y^t some of the Proprietors themselves are of y^e same oppinion, and have told me so ; and to show yo^r Lordshipp how ffavourably I act I am informed y^t in time of other Govern^{rs} ships that came to Amboy made entry at New York, yet during my time severall shippes have gone thither & I have desired no such thing, nor will I untill I am assured of his R^l High^{ness} pleasure about it. It shall not be my fault if there be not an advantageous Correspondence, who will allways endeavour to prove y^t I am, My Lord.

Yo^r Lordships most obedient humble Servant

THO: DONGAN

N. York ffebruary y^e 13th 168⁵

MY LORD

I had almost forgotten to tell yo^r Lordshipp y^t to the end a fair Correspondence may be p^rserved between the Governments in an Act lately made by y^e generall Assembly amongst other things almost equall priviledges were allowed to East Jersey with this Province & all y^e thanks I have is to be misrepresented ¹

Rec^d 1 Aprill, 85

Governor Dongan to Sir John Werden.

[From "New York Colonial Documents," Vol. III., p. 355.]

HONORED SIR [Extracts.]

. . . . Billops Plantation is opposite to Amboy and, if vessells bee permitted to come there, and not enter at New York, it will bee impossible to hinder y^e putting goods ashore on Staten Island. There was a report that he intended to sell it to one of East Jersey, I think it would doe well if you please to look into the last patent of East Jersey to see whether shipping bee obliged if they come in to Sandy Hook to make entry at New York, the Quakers making continual pretences to Staten Island disturbs the people, more than 200 familyes are setled on it. And in case His Royall Highness cannot retrieve East Jersey, it will doe well to secure Hudsons River and take away all claim to Staten Island

. . . . There is noe way to prevent [y^e trade] y^e Indians had with East Jersey, but by running the line from Hudson's River to Delaware and then take some course with the Indians not to goe into the bounds of East

¹ This letter is printed in Chalmers' "Political Annals of the United Colonies," as well as the one that prompted it, (pages 627-8,) with the remark: "Colonel Dongan's spirited answer probably contributed to procure his recall, through the influence of his opponents with James II." See "East Jersey Under the Proprietary Governments," 2d Edit., page 143. ED.

Jersey, the bounds being already settled on Hudson's River, they pretending all along to the south sea as Connecticut did. If any Colony in these Parts will flourish this will soe; and I believe it better to make an end of all disputes than to delay them . . . with an assurance of my greatest respect for you I subscribe, Sir, Your affectionat obliged Serv^t

THO: DONGAN

The Lord Perth has writ me a very angry letter: the answer to it I desire you to send and convey to him.

From William Dockwra to Deputy Governor Lawrie and Other Proprietors, Informing Them that the Proprietors in England had Granted Him One Thousand Acres of Land, &c.

[From Original among the Manuscripts of W. A. Whitehead.]

LOND^o April 6th 1685 @^c

Gentlemen
and
Fellow Proprietors &c

after my hearty Salutations wishing you good health & prosperitie, these are to acquaint you that the Proprietors in England & Scotland haveing considered & been fully convinced of the care & pains I have taken in their Service for about a twelve month past, (and findeing no fund of Cash to present me) have been pleased in lieu of money to gratifie me with a Thousand Acres of good land such as my Overseer or Attorney shall looke out & choose, (exclusive of wast lands & highwayes) I have therefore directed my Overseer (w^h the advice of a friend or two) that he doe accordingly looke out such a quantitie of land,

either in one entire Tract, or in two places, w^{ch} may be most convenient for me, not being Surveyed to any other.

When he has done this he will apply himself to you the Com'issioners (appointed for the affaires of land) by his petition on my behalfe, delivering you the Order (that accompanies this letter) for yo^r granting a Warrant for such land, that when it is Surveyed a Patent may be passed to me for it. Gent^l I cannot doubt yo^r Justice but will hope for the addition of yo^r favour especially when those of you to whom I am a stranger shall be rightly inform'd of me, by those among you who know my Fidelitie & cost to serve the Province, Craveing leave to say this for my selfe that for 2000 Acres more I would not in other matters spend that time I have done this last yeare for East-Jersey, but 'tis my Inclynation has prompted me to be so very Zealous, And hope by the speedy passing yo^r warr^t for such land as my Overseer shall looke out & choose (a priviledge w^{ch} the Proprietors have most chearefully allowed me & wthout which I could not vullue the present) you will convince & oblige me that you doe believe my Service has been acceptable here & I shall endeavour to render it acceptable to you there, if Providence permitt me (as I intend) to reside among you,

I shall not say more at p^rsent, but referre you to the Order it selfe, not doubting yo^r ready complyaunce therewith, and in the most advantageous sence it will beare on the behalfe of,

Gentlemen,

Yo^r faithfull friend & Serv^t



To M^r GAWEN LAWRIE Dep^y Governour and To the rest of the Commissioners For granting Warr^t to Sett out Land &c.: In the Province of East-new Jersey These

*Confirmation of Former Orders by the Proprietors of
East Jersey.*

[From the Original in the Library of the New Jersey Historical Society.]



ROBERT BARCLAY Esq^r
Governor and other
the Proprietors of the
Province of East-New-
Jersey

*To all whom this Writing
does or may Concerne,
GREETING*

WHEREAS the right directing and ordering of the affaires of the said Province must needs goe from hence, and does oblige the sending over of severall Commissions, Instruments, Orders, and Instructions to the Deputy Governor and others Commissionated vpon the place, And that it often falls out by reason of the Proprietors being Scattered in severall places remote from one another, and other exegencies that no Considerable number of hands can be gott to Subscribe them vpon the departing of shippes from home and that yet delay of such things vpon that acco^t might prove of great (and almost irreparable) prejudice to the affaires of the Province. The Proprietors therefore doe hereby declare For the Just encouragement of those who travell dilligently for the good of the Publique, and for the fixing of due Authoritie in them, That all commissions Instruments Orders and Instructions whatsoever, and every of them, that shall hereafter have the Seale of the Province affixed thereunto and the Hands of five whole Proprietors, or as many haveing shares in Proprieties as make vp y^t vallue whether Signed in England Scotland or Else Where, shall be esteemed Authentique and binding

to all intents and purposes, PROVIDED alwayes the Governour be one that Subscribes and the vullue of another Proprietie in Scotland. And that William Dockwra of London who affixes the Seale of the Province (or who else shall hereafter keepe y^e said Seale) be another that subscribes.

And further y^e Governour and Proprietors doe by these presents ratifie and Confirme y^e severall & respective Commissions Instruments, Orders and Instructions which are allready sent and are hereafter mentioned, To be as Legally binding and effectuall according to the purport and true meaning of each of them, as if all the Proprietors hands were subscribed to the same, except where any Clause or part of any Commission Instrum^t, Order or Instruction have been countermanded or altried by any succeeding Commission Instrument Order or Instruction

The Acco^t of such Commissions Instruments Orders and Instructions followes Viz^t

A Commission to Robert Barclay Esq^r to be Governour
. 17^o July 1683.

A. [Commission to Gawen] Lawrie to be Dep^y Gov [ernor dated] 27^o July 16 [83].

Letter or Instructions To Gawen Lawrie and Sam^{ll} Groome &c^a dat in London [21st of] September 1683

Instrument about the Planters and others dat 21^o December 1683.

A Letter of sundry Orders To Gawen Lawrie and fellow Proprietors dat: 21^o X^{br} 1683.

The twenty four Fundamental Constitutions, and an Instrument concerning the power of Proxies dat 5^o 8^b 1683, And An Instrument conteyning y^e Conclusion of the Additions and alterations of y^e said ffundamental Constitutions Perfected to y^e 4th of March 168³/₄, and repeated 17^o June 1684.

An Instrument of sundry Orders dat. 2^d January 168³/₄

- An Instrument of Declaration to the Planters &c dat . . .
february 1684
- An Order about y^e Setting out Land to small Purchasers
y^t come to Settle &c dat 3. May 1684.
- An Order about building the Governors House before y^e
twenty four houses dat 17^o June 1684.
- An Order for alteration of y^e thirteenth Article of the
Constitutions dat. 22^d July 1684.
- An Order to y^e Deputy Governor & Commissioners to
have power in Sundry matters, dat. 1: August 1684.
- An Order for alteration of y^e third Article of the Consti-
tutions dat. p^m^o August 1684.
- A Commission to George Keith for Surveyor Generall
Signed in London 8th August 1684.
- An Instrument to y^e Deputy Governor & Commissioners
for power to Confirme Lawes, set out Lands, and
doeing other matters dat. the 13^o November 1684.
- An Order about Gibbon and Jone's Lotts dat. 26^o March
1685.
- An Order about a Thousand Acres Land to William Dock-
wra dat. 27^o March 1685.

Lastly the Proprietors doe hereby ratifie and Confirme
y^e Severall and respective Commissions Instrum^{ts} Orders
and Instructions herein mentioned, to be as Legall and
Authentick by referring to them by y^e respective Tytles
or Abstracts above written, as if they were verbatim
expressed in the body of this Order. IN WITNESS where-
of the Proprietors have set their hands, and Affixed the
Seale of the Province of EAST JERSEY this Eleaventh day
of May In the first year of King James the Second over
England &c^a Annoq: Dom. 1685

WILL: DOCKWRA	CLEM ^t : PLUMSTED	R. BARCLAY
THO: ROBINSON	WALTER BENTHALL	PERTH
THO: COOPER	JAMES BRAYN	THO: HART
ELIZ. GIBSON	MELFORT	THO: COX
THO ^s : BARKER		

The Mayor of New York to Sir John Werden.

[From London Public Record Office, "New York," B, p. 57; "Maryland," B, p. 101.]

Lett^r from y^e May^r of N: York to S^r Joⁿ. WerdenHONO^{BLE} S^r:

By the Direcc^{ions} and Commands of our Hono^{ble} Governo we presume to give yoⁿ the trouble of the Enclosed And desire it may by yo^r hand be presented to his Most Sacred Majesty Being our humble and Submissive Adresse from this his Ma^{ties} Citty of New yorke to Condole the Losse of our late most Dread and Gracious Sovereigne and Congratulate his Ma^{ties} Peaceable accession to the Crowne, which wee heartyly rejoyce att, And wish his Majestie A Long peaceable and prosperous Reign over us. Wee begg your Pardon to Offer one thing further and that yoⁿ will please to *make his most Sacred Ma^{tie} acquainted therewith That Since his Ma^{tie} hath been pleased to Seperate Delaware and the two Jersyes from this his Government of Newyorke this Citty has Apparently and Extreamply Suffered in the Diminution & Losse of its trade being thereby Deprived of att Least one third parte thereof: And hath ever since much Lessened & Decayed both in number of Inhabitants Rents and Buildings and his Ma^{tie} in his Revenue likewise Suffers thereby. And the remaineing parte of this Province when Lesse able the more Burthened which with greate Willingnesse and Submission they beare. But Now hope that this appeareing to his Ma^{tie} He will find it Consistant with the Ease and Safety of his Subjects and his Ma^{ties} Interest and Service to reunite those parts and Enlarge this Governm^t Eastward. And Confirme and Grant to this his Citty Such Previledges*

and Im'unities as may againe make it flourish, and Encrease his Ma^{ties} Revenue. Wee Remain.

Hono^{ble} Sr

Your most humble Servants
the Mayor Aldermen & principail officers of
the City of New yorke, in whose be-
halfe I subscribe.

[G. MINUIELL ¹] Mayor

New yorke May 13th 85.

To The Hono^{ble} Sr JOHN WERDEN Kn^t Att Whithall P^{resent}

[*Endorsed* :] Received 12th July 1685. Read July
15th 1685.

*Order of Proprietors of East Jersey for Laying Out
Lands, and Censuring Deputy Governor Lacroie and
Thomas Rudyard.*

[From the Original in the Library of the New Jersey Historical Society.]

The Governor and Proprietors of East Jersey
to the Deputy Governor and Commis-
sioners appointed or to be appointed for
[L. s.] the setting out of Lands, and other affares
relateing thereto in the said Province.

Greeting

WHEREAS the Prosperitie and advance of the said province doth in a great measure depend vpon the Speedy and easey Planting of the same and vpon the due and equall Setteing forth of Lands that both the Proprietors themselves and those concerned vnder them may have a ready accesse thereto, and all others disposed to Settle in the said Province, either by Purchase of Lands or taking them vpp vpon Rents may be answered without delay and all things

¹ As printed in "New York Colonial Documents," Vol. III., p. 361; the copy from England being without any signature. ED.

relateing both to the one and other may be done Justly & equally that whosoever comes to possess Land in the said Province may assuredly rest in the Security of their Tittle, the Proprietors after mature deliberation haveing fully Considered the methods vsed in their Neighbouring Provinces and the Instructions from time to time granted heretofore have now fully determined that the rules after following shall for the Space of three years next ensueing the twentie [ninth¹] of September next followeing the date hereof, and for so long after vntill it shall be otherwise appointed and published, be followed maintained and pursued in the disposall and setteing out of all Lands in the said Province without any Alteration whatsoever.

1. . . . THAT no Land be treated for or disposed of vpon the Proprietors Account by Sale or Rent but in open Office. The Deputy Governor and Surveyor Generall for the time being and a Quorum of the Commissioners appointed for that end being present.
2. . . . THAT all money and other vallue received for Land sold and all Rent whatsoever be paid to the General Receiver for the Proprietors vse and to another person.
3. . . . THAT no Land be sold or sett to Rent below the price fixt in the first Printed Proposals Viz: Two pence p. Acre p. Ann. for Rent or ten pounds Sterling for each hundred Acres purchas'r payeing Six pence English for every hundred Acres [yearlye] Quitt Rent the purchas money to be paid at the receipt of the Patent vnder the Seale of the Province and the rent to Commence from the next Twentie fifth [day of] March after the Sealeing the Lease PROVIDED that there be a Family consisting of at Least, three psons where of two to be able workeing hands vpon every five hundred Acres of Land within one year after the Pattent or Lease Sealed And that no one purchaser be allowed to buy or take

¹ Words or letters within brackets defaced in the original, and supplied from the printed copy in "Grants and Concessions," p. 207. Ed.

vpp vpon Rent above one Thousand Acres in one place. But where there is any parcell of choice Land that may deserve more money or Rent, it is left to the aforesaid Commission[er]s and they Viz: The Dep^y Governor and Commissioners above mentioned are hereby Authorized to sett the vallue PROVIDED the Sale of such be not a prejudice to the Sale of Adjacent Lands.

4. . . . THAT each whole Proprietor, or one haveing a halfe Proprietie, that is one Forty eighth part of the Province shall vpon [his address (or his] Agent or [proxie] for him) [to the] Dep^y Governor and Commissioners aforesaid have a Thousand [Acres of] Land set out to him he being ready to settle there vpon a ffamily with three able workeing hands at least, and every [one] haveing a Lesse Share in a Proprietie shall have Five hundred Acres set out upon the Termes aforesaid and so be admitted to the possession of a Tousand Acres, or five hundred Acres respectively untill the said Proprietie have Arrived to the Number of Ten Thousand Acres at which time they Shall Stopp for three years vntill other Proprietors have time to come vpp to the like quantitie with them but after the three years is expired from the time of Settlement vpon the last portion of the first Ten Thousand Acres, such as will shall be admitted to the possession of other ten Thousand Acres Notwithstanding [of] any not haveing taken vpp their first Ten Thousand PROVIDED they settle y^e double number of Familyes, Pro rato that they did in y^e first settlement Viz: every whole or halfe Proprietie a ffamily with three working hands vpon each five hundred Acres and every small Purchaser a family with two workeing hands vpon two hundred and fifty Acres, or two such familyes vpon five hundred Acres. And that this method may be strictly observed it is ordered there be an exact account kept by y^e Cheife Register of all Acres of lands sett off to each Proprietie by vertue of this Order, or those Concerned in it that there may be a stopp made when y

number of Ten thousand Acres is fulfilled. PROVIDED all wayes that whatever number of Acres is or shall be taken vpp by an Proprietie or those concerned vnder them, or laid out for them by y^e Surveyor or entred in y^e Secretary's Office before y^e publishing of this Order shall be reckoned & Applied to y^e person concerned towards y^e makeing vpp of y^e first Division of Ten Thousand Acres to a Proprietie, Also hereby the Orders for Land to W^m Dockwra dated 27^o March and 14^o May last and y^e Order to David Barclay of the same date, as also y^e Instrument dated February 168 $\frac{1}{4}$ and third of May One Thousand Six hundred Eighty four in favour of small Purchasers is ratified & the Land which is appointed y^m by vertue of those Orders is hereby Confirmed to them over and above such other Land as shall be sett out to y^e said William Dockwra before y^e Arrivall of this Order, and wee further appoint that where any of y^e said Proprietors shall offer to Settle a Family quallified as above in the Second Division, that is two families with three workeing hands to each they shall have five hundred Acres more yeilded to them so long as the ten Thousand Acres of that Proprietie (they are concerned in) wants to be made vpp and in respect that Such Proprietors as take vpp their Ten Thousand Acres may sell them off intirely and so destroy y^e nature of the Proprietie they shall be oblidgeed to retaine to them their Heires and Assignes as Proprietors such a Share thereof as by y^e thirteenth Article of the ffour and Twenty ffundamentall Constitutions is thereby intended to be held as indispensibly annexed to y^e Proprietorshipp.

5. . . . THAT in order to y^e Regular planting of the Country the land be set out as often as it can be in Plotts or Towne Shipp according to the best methods of our Neighbouring Collonyes whereof wee are assured there are good examples in *Pensilvania* and Long Island, as for Instance five or Ten Thousand Acres in a Towne

shipp to be taken vpp by ten or Twenty ffamilyes, that is ffive hundred Acres to a ffamily, the priviledge of the great and halfe Proprietors excepted of haveing a Thousand Acres allowed to one family, And wee do Seriously recommend it to the Deputy Governor and Commission^{rs} and in a Speciall manner to the Generall Surveyor that such plotts may be run out and the divisions marked before hand so as to be in readynes when either the Proprietors or other people may demand Land, as we are certainly informed is done in some of our Neighbouring Provinces by number, as, one, two, three, four, &c. That such as comes to view the place may Choose the number and pay the Surveyor his ffees and have Access to Settlement without delay.

6. . . . THAT wherever there is a convenient Plott of Land lying together contayning Twenty four Thousand Acres as we are informed will more especially be at Barnegate, it be devided and marked in Twenty four parts a Thousand Acres to each Proprietie and the parts being made as e[qu]ally as can be for quallitie and Scituation. The first commers presently settleing is to have the choice of the Divisions, and where s[ev]e[r]all Stand in that respect vpon equall termes and time of Settleing it be determined by Lott allwayes *Provided* the Age[nts] and Proxies of y^e Absent Proprietors who offer to Settle, be called and admitted to act for their Principals equally with those [present] and that such Proprieties as are in the right of Miners or Widowes which as by accident may want Proxies or be Ign[orant of things] there may not be prejudi[ced, an]d yet such plott may not remaine vnsettled the Dep^{ty} Governor and Commissioners [are allowed to let small Parts in the chief Places of Settlement] upon the Shares of Such Proprietors at [some small Fee Farm *per Annum* to poor Families] (not exceeding Sixty¹ Acres to a family) to Secure the

1 *Fifty*, as printed in Leaning & Spicer's "Grants and Concessions," p. 210.

Quantitie. And if in seven years no care be taken [by the Par]ties concerned in that Division or Share to Settle. That then any other Proprietor offering to Settle vpon the Conditions a[bovemen]tioned may have accesse to possess the Share (or part thereof) in such places as a part of the first or second Ten thousand Acres to a whole Proprietie. And it is here to be minded that in any Such Settlement of Twenty four Thousand Acres such small Purchasers as have allready Received their full proportion of Ten Thousand Acres shall not pretend Access thereto but it shall be reserved for two years (after Surveying ready for such Concerned in that Proprietie, who have not yet received a Share of the Ten Thousand Acres) which time being expired, those who have their full first Proportion shall have Accesse thereto as part of the said Ten thousand Acres vpon the Termes of Settling more as above.

And whereas for defrayeing of necessary Publicke Charges there has been Severall Rates laid as a Tax vpon each Proprietie at Sundry times viz^t Ten pounds on each Proprietie (and so pro rato) vpon the 29th of June One Thousand Six hundred Eighty Three. Five pounds on y^e 29^o January One Thousand Six hundred Eighty three, Five pounds on the 29^o July One Thousand Six hundred eighty four. Ten pounds on the 24^o of October One Thousand Six hundred Eighty four, and Ten pounds on the 12 of June One Thousand Six hundred Eighty five. It is hereby declared to be the true intent and meaneing of this Order that no Land vpon the first and Second Division shall be laid out to, or possess by any Proprietor, or Shares in a Proprietie vntill he hath first paid such full Arrear of Tax as hath been or shall be from time to time laid vpon his Proprietie or share for necessary publick Charges, but such non payment of Arrears shall be a Sufficient Barr and Exclusion to such person or persons from haveing any Land sett out to him or them vntill he or they have fully

paid, and Satisfied what he or they owe to the publicke Stock as aforesaid.—

7.... *Wherever* there is an Etrordinary choice spott of Land so esteemed by the Surveyor Generall or any two of the Commission^{rs}; either for the excellencie of Soyle or advantage of Scituation it shall be reserved for the Joynt Interest of all the Proprietors, and cast in an equall Division, or if it be such as for the smallnesse of it (or any other reason) cannot be so ordered, it shall not be medled with vntill the plurality of the Proprietors are advised thereof, that by them it may be determined whether after a vallue be put vpon it, as one Acre esteemed worth four or more; it shall goe to such as will allow most to the rest for it, or where they will not do so, after the vallue sett, it shall be determined by Lott, and as this should have been done in the notable Case of Cangoraza by Gawen Lawrie and Thomas Ruddiard, so it is hereby declared by the Governor and Proprietors, That they will not Lett that Land there which they have taken to themselves and caused to be sett out to them, go otherwise. Therefore for that Thousand Acres taken vpp so much vpon the water side, by Gawen Lawrie for himselfe and sold to Cap^t Palmer, Theare shall be Three Thousand Acres discounted to him of the five Thousand to be allowed him in the first Division for his halfe Proprietie, And for the Thousand Acres which Thomas Ruddiard has gotten at Changoraza because his part is better, there shall be discounted to him four Thousand of the ten Thousand Acres to be allowed him for Proprietie in the first Division, and to evidence that wee do in this as wee would be done by wee are content to accept of it Severall of us Joyntly or some of us apart vpon the same termes. And it is hereby declared that if these termes are not presently accepted, that wee will as hereby we do Reclaim all the said Land vpon Changaraza, or such Thousand Acres of him that does not comply as being vnjustly obtained and passed

against our positive Orders to the Contrary; And ~~do~~ hereby discharge all persons from meddling therewith or settling therevpon as they will be answerable at their peril. And that there may be [re]aft[er be no] mistake, of this kinde, neither with respect to this nor any thing of the like nature in y^e setting out of Lands to y^e Proprietors and others. And that all persons may proceed vpon firm and good grounds and every person that purchases or rents Lands may be fully informed *Wee* hereby appoint this Order to be first read in Councill and then published through the Province, and that a true Coppie be set vpp at the Towne House in PERTH and one Coppie sent to each County Court next sitting (after arrivall hereof) to be first read there in open Court and afterwards set vpp in each Court House or such convenient place where it may be read so as to render it most publick to informe all persons whatsoever that are or may be concerned in the same.

Lastly that every one may know the names of the Commissioners concerned in the business of Lands we do hereby Nominate Authorize and appoint the Deputy Governor for the time being, David Barclay as Proxie for Robert Barclay Governor, Cap^t: John Berry as Proxie for William Penn, Gawen Lawrie as Proxie for William Dockwra, John Campbell [Proxie for] Lord Viscount Melford, Robert ffulerton and Thomas ffulerton, David Mudyde and James Johnson Proxies for Thomas Hart Thomas Barker, Clement Plumsted and Thomas Cox, And George Wilcocks Proxie for Robert Gordon also Thomas Warne David Barclay and Thomas Gordon all Sharers in Proprieties to be our aforementioned Commissionrs together with all other Proprietors as shall hereafter come and live vpon the place and such other Proxies as wee and any Proprietors shall make hereafter, to whom wee grant our full power and Authoritie to act according to y^e Tennor of the Premises agreeing and ordering that any Five of them shall be a Quorum, and the major part present to determine.

GIVEN in London vnder our hands and Seale of the Province of EAST NEW JERSEY this third day of July in the first year of the Reigne of King James the Second over England &c Anno Dom: 1685

Barclay R^d Burnet

~~W^m Gordon~~ ~~W^m B^r...~~

James Braine & Tho^s: Barker

Tho: Hart

L: Byllinge melfort

Cent: Plumsted Perth

W^m Dookwa. Tho: Cooper

TARBAT.

R BLACKFORD.

THO^s COX.

ELISABETH GIBSON

WALTER BENTHAL

1

1 One signature to the original cannot be deciphered. The same difficulty, probably, led to the omission of the name when the document was printed in "Grants and Concessions," p. 213. ED.

same is pleased to order and direct that y^e said Articles be & they are hereby referred to S^r R^t Sawyer Kn^t his Ma^{ty}s Attor^y Generall.

. . . . And it is further ordered that M^r Attorney Gra^{ll} do forthwith consider of y^e severall Grants & Proprietors of East & West New Jersey & of Delaware & enter y^e like writts of Quo Warranto against y^e respective Proprietors thereof if he shall find cause

WILLIAM BRIDGEMAN

Mem: [*Extract.*] My Lord President is desired by the Right Hon^{ble} y^e Lords of y^e Com^{tee} for Trade and Plantacons to move his Ma^{ty} that the directions to M^r Attorney Gra^{ll} that y^e prosecution of several writts of Quo Warranto against y^e Proprieties of East & West New Jersey & of Delaware in America be renewed & that y^e Same may be prosecuted to effect

Councill Chamber 21 April 1686.

Order to Examine Into the Affairs of East Jersey.

[From the Original in the Library of the New Jersey Historical Society.]

ROBERT BARCLAY ESQ^r GOVERNOUR AND ONE OF THE
[L. S.] PROPRIETORS OF THE PROVINCE OF EAST NEW
JERSEY ¹ AND OTHER THE PPOPRIETORS OF THE
SAID PROVINCE.

To the Proprietors and other our Com^{issioners} for
the time being for setting out and disposall of
land and setling other affairs There :

GREETING

WHEREAS the Proprietors on this side having long tyme

¹ ROBERT BARCLAY—the author of the celebrated work in Latin, entitled “An Apology for the true Christian Divinity, as the same is Preached and held Forth by the People, in scorn, called Quakers;” from which he acquired the appellation of “the Apologist”—was one of the original twelve Proprietors; and it was doubtless due to his prominence among the Quakers, that he was selected as the first Governor of East Jersey—combining, as he did, many qualifications for the office, along with intimate relations with the King and the Duke of York. See “East Jersey Under the Proprietary Governments;” Alibone’s “Dictionary of Authors.” ED.

expected particular acco^{ts} of variety of their concerns in their said Province, and have hitherto had only such general & short intymations of things as have rendred them incapable to understand the state of their affairs there, WEE do hereby [with our full power ¹] authorize and appoint you our fellow Proprietors and Com'issioners (and any five of you to be a Quorum & the Major part to determine) vpon the severall heads hereafter following Viz^t:

1. . . . To inspect and audit the acco^{ts} and receipts in particular of Gawen Lawrie, of all quit rents sale of Lots or lands, or any other mony or vullue whatsoever rec^d by him on the acco^t of the Proprietors of or from any person or persons whatsoever as also to audit the acco^{ts} of all other officers in y^e Province y^t receive any of the publique mony or goods belonging to y^e Proprie^{trs}
2. . . . To inspect and audit the paym^{ts} and disbursem^{ts} of the said Gawen Lawrie on the acco^t of the said Proprietors of what nature soever they are, & the acco^{ts} of all other officers that pay any mony or goods belonging to the Proprietors.
3. . . . To examine all patents or grants whatsoever since the purchase of the s^d Province by y^e Proprietors & all sales of Towne plots or other lands, and to send the Proprietors in a paper book true copies verbatim of the severall and respective patents & grants of all lands that are or shall be past from y^e beginning of the Proprietors concern until the twenty fifth [of] March next, by the next ship that comes away for London after the said twenty fifth March next, and that afterward a true & perfect cobby verbatim of every other patent & grant that is past from one twenty fifth March to another be annually sent to y^e Proprietors in London as aforesaid
4. . . . That a cobby of the ground plot of Perth Amboy & the severall lotts thereof be numbred & sent hither as

1 Words within brackets interlined. ED.

also the names to whom they are granted and a report of the number & description of every house built, or to be built in the said towne, to the twenty fifth March next, and who are the owners thereof and so annually from year to year what additions are built to be sent next Ship after every twenty fifth of March—As also a particular of what houses, buildings, orchards or lands with the description of the quantity scituation and vallue of each, that are in other parts of the Province belonging to y^e Proprietors publique Stock—As also an Inventory of the Particulars and vallue of all moveables & other chattels they have in the Province to be sent as aforesaid to the Proprietors.

Given under the seale of the Province the one and twentieth day of October in the first year of the reign of James the Second King of England &c^a Anno: Dom: one thousand six hundred eighty and five.

W. D.

CLEM ^t : PLUMSTED	THOMAS HART	Proxie for James
THO ^a : BARKER	JAMES BRAIN	Earl of Perth
WILL: DOCKWRA	E: BYLLYNGE	Lord Chancellor
WALTER BENTHALL	THO. COX	of Scotland.

*Testimony of Timothy Halstead and Josiah Lentin,
Relating to Their Interest in the Elizabethtown
Purchase.*

[From N. Y. Col. MSS., in Secretary of State's office, Albany, Vol. XXXII., p. 183.]

The testimony off Timothy Holstead of Hemstead in Queens County Who declareth y^t y^e purchasesers off Affter Kull (Viz) Daniel Denton John Baylies & Luke Watson did admit off my selff & my Brother alsoe upon ye disbursement off four pounds a peice in bever pay to bee Associates . . . y^e purchase in Case we liked Which mony wee disbursed ffor indean trade which sayd indean

goods went to the purchase off y^e . . . land at Affter Kull at y^e Request of y^e afforsay^d purchasers We disliking y^e place upon a view off it And they ingaging wee should bee pay^d ffor our goods and we acknowledge y^t wee have Receeved satisfiation of Dan^l Denton affors^d one off y^e purchasers the whole sum payd by Selff and brother was four pounds a peece and two & six pence :

Samuel Denton off Hemstead doth alsoe testiffy y^t y^e above written purchasers did agree alsoe w^t him upon y^e disbursment off four pounds to bee an equal Associate w^t them in Case hee liked which four pounds hee pay'd in bever for goods y^t went to the purchase off y^e s^d land at Affterkull at y^e desire off y^e purchasers they promising to Repay Mee. And I acknowledge y^t I have Received Satisfaction off Daniell Denton one of y^e s^d purchasers ffor y^e s^d ffour pounds : ffor y^e ffour pounds above mentioned Sam^l doth testiffy y^t Exactly to ye sum hee cannot so well Remember But is positive in this that hee pay^d Equall w^t the purchasers.

Sworn before us y^e 17^o November 1685

ELIAS DOUGHTY

RICHARD CORNWELL

Justices in Quorum

Timothy Holstead & Sam^l Denton on the other side mentioned doe ffurther testiffy that y^e mony on y^e other side mentioned was payd to y^e indeans ffor all such lands Containd in y^e purchase made by y^e purchasers on the other side Mentiond As well ffor Elizabethtowne as y^e Rest & ffurther wee layd downe our Money ffor y^e purchas at Daniell Dentons Commending off y^e place to us as severall others did upon incouragement ffrom y^e other purchasers, And never Received a ffarthin but ffrom daniel Denton And y^t Ambrose Sntton also was one off . . . Company.

December 5th 1685

Attested before Mee

RICHARD CORNWELL,

Justice in Quorum.

Josiah Lettin off oisterbay Queens County testifieth that when Daniell Denton, John Baylies & Luke Watson did purchase Affter kull so called off y^e indeans that I went w^t Dan^l Denton when hee Carried y^e goods to pay ye purchase off y^e land And y^t Samuel Denton & timothy Holstead & Ambrose Suttten was off y^e Company & payd Mony towards ye purchase And I payd my Mony Alsoe towards y^e purchase to Luke Watson Wee being all off us to have land iff we like ffor our mony y^t wee disbursd But I never Received any satisfaction off Luke Watson nor any other off ye purchasers ffor my s^d Mony that I layd out ffor y^e s^d purchase nor ever had any Consideration in land or any other way taken upon . . . y^e last day of March Annoq: Domini 1686

Before Mee

JOHN TOWNSEND Sen^r

Justice off ye peace.

The Proprietors of East Jersey, in England, to the Deputy Governor and Council of Proprietors in East Jersey.

[From a contemporaneous certified Copy among the Manuscripts of W. A. Whitehead.]

{ Seal of the Proprietors. }	ROBERT BARCLAY ESQ ^r GOVERNOR and one of the Proprietors of the Province of East new Jersey and other the Proprietors of the said Province :
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To our Deputy Governor for the tyme being and
 the Council of Proprietors there.

GREETING.

WHEREAS the Proprietors residing in Europe have found great inconvenience in collecting the hands of the Major part of the Proprietors to such Orders as have been necessary to send from tyme to tyme to the said Province, some happening to be absent (at great distance) when opportunity of Conveyance to East Jersey offers: by reason whereof their names cannot be put (in due tyme) to such Orders and instruments as are agreed to and require dis-

patch. They therefore considering the fidelity of their fellow Proprietor William Dockwra and his constant and indefatigable diligence in their affairs do hereby (as the best expedient to redress that mischeif,) Order and appoint William Dockwra, for tyme to come, to affix the seal of the Province to all such orders or Instrum^{ts} whatsoever as shall from tyme to tyme be agreed on here, to be sent over to the Deputy Gov^r & Council of Proprietors in East new Jersey and that only the name of the said W^m Dockwra subscribed as Agent to Comp^a of Proprietors, together with such seal affixed, shall be sufficient to give them as ample and lawfull authority to all intents constructions and purposes, in all cases whatsoever, as if they were signed by the Major part of the Comp^a of Proprietors or otherwise howsoever. *Given* under our hands and seale of the Province of East new Jersey this twenty ninth day of Aprill in the second year of the reeign of King James the second in England &c Annoq Dom: one thousand six hundred eighty six.

Signed by Order of y^e Proprietors

WILL: DOCKWRA Agent.

being a true copy of the originall ¹

Agreement Between William Penn and the Executors of John Fenwicke.

[From a Copy in the Library of the New Jersey Historical Society.]

SEVER'LL THINGS discoursed of & agreed upon between W^m Penn proprietor and Governor of y^e Provenche of Pensilvania and Territeres Samuel Hedge John Smith Richard Tendell Executors of M^r John Fenwicks that y^e said W^m Penn being Properitur by Conveince or Dead from y^e said John Fenwicks May from time to time Take up Land Dispos of Land for y^e Planting and Improueing

¹ The original was signed by Robert Barclay, Thomas Cox, Thomas Barker, Thomas Hart, William Dockwra, Perth, Robert Burnet, James Braine, Melfort, Robert Gordon, Clement Plumstead, Walter Benthall, Thomas Cooper, Elizabeth Gibsons on. Ed

y^e Colinne; Providing all ways y^t y^e Ears and assigns of y^e said John Fenwicks have y^e Reserved Numb'r of one hundred and fifty thousand Eacers that y^e Same May from time to time be Taken up planted or Disposed of for y^e yours apointed by his will for that porpus that y^e said Samuel Hedge and Richard Tindell and John Smith do Consend to and y^e said W^m Penn yet y^e Neck betwixt Salem Creack and oldmans Creake so fare . . . y^e same is . . . Sold or Disposed of by John Fenwicks shall be and is hearby a Loted to be Disposed of or Seatled by W^m Penn from time to time for y^e Royltes of Such Lands as are Disposed of he Makeing full Repris for the y^e Same that John Smith agreeth to Resine his five hundred Acers in y^e Toun for 500 elshware in y^e Same Dure-dicktion Refareing to him a Dubell toun Loot Each Loot being fifteen Eacers the Remander to be Common till taken by warrents as toun Loots Except 60 Eacers for a Toun and a Comandachen to the Properitor W^m Penn that y^e Loot all Ready Laid out before y^e first day of y^e 8^o month Insuing the Date hearof Seatled by the Respecktif owners els free to be Seatled by Others Paying y^e Vallew of the said Loots as it is Judged in open Court. that there May be a General Warrente granted by y^e said W^m Penn to y^e Surveying of that tenth Inabeling him to Resurvey all Tracts Complated of as More then Mayen to his Egent for y^e time being dated Sealed on the 13th of y^e 2^d Month 1684

SAMUEL HEDG W^m PENN ARTHUR COOCK
JOHN SMITH JAMES NEAWELL. RICHARD TINDELL

*Instructions from James, Earl of Perth, and Others of the
Proprietors, to Captain Andrew Hamilton.*

[From Copy among the Manuscripts of W. A. Whitehead.]

WEE James Earle of Perth, John Viscount of Melford,
Robert Barclay of Urie, Robert Gordon of Clunie, Rob^t
Burnet of Lethenty, and David ffalconer Mer^{ht} in the

Kingdome of Scotland, and William Dockwra merch^t in London haveing right title and Interest in the stock after-mentioned advanced by us with some others to be settled upon a plantation to our behoofes in the province of East new: Jersey in America doe fully and Amply impower warrand and, and authorize by this our Com'ission under our hands and seals, our trusty and wel beloved friend Captain Andrew Hamilton ¹ Merchant in the Kingdom of Scotland now bound God willing with the first opportunitie from England to the said Province, That when it shall please God that he Arive there, he shall make Dilligent

1

And: Hamilton

is first mentioned, in the "East Jersey Records," as being interested in ten servants, who arrived in March, 1683; but it was not until he was made the bearer of this

paper that he embarked himself for the Province, with whose affairs he continued to take an active interest until his death, on the 26th of April, 1703. He was highly esteemed by all the best citizens, and was generally in prominent positions. It is not exactly known how long he remained in the Province, as the agent of the Proprietors; but he returned to it about the time that Lord Neill Campbell arrived as Governor, in the Autumn of 1686, "transferring his family towards the improvement of his plantation." Whether a wife was included, is uncertain; for, after he had been in the Province some years, he married Anne, the widow of Robert Wharton, of New York, and daughter of the former Deputy Governor Rudyard. He may have married again subsequently, for in his will his widow and legatee is called Agnes. He was made one of Lord Neill Campbell's Council, and succeeded him as Deputy Governor. In 1689, he returned to England to consult with the Proprietors there, and on his way was taken prisoner by the French, and detained by them for some time. Governor Robert Barclay died in October, 1690; and, after an intermission of two years, during which were made the inoperative appointments of John Tatham and Joseph Dudley, Hamilton succeeded him, returning to New Jersey in September, 1692. He served as Governor until 1698, when he was displaced by the Proprietors, through a misapprehension of the operation of an act of Parliament, and returned again to England; Jeremiah Basse succeeding him in office. He was reinstated in 1700, and continued nominally in power during the excitement and confusion which marked the close of the Proprietary Governments. He, also, filled the position of Governor of West Jersey part of the time; and, when he died, was, also, Lieutenant Governor of Pennsylvania. The Proprietaries ever evinced their appreciation of his integrity and ability; and the character of those men who were generally opposed to him, is additional evidence that he was deserving of their confidence. He had one son, John, who held, in after years, several offices in New Jersey. When Governor Hamilton was in England, in 1692, Thomas Neale, who had obtained a patent to establish post-offices in the Colonies, appointed him his deputy. On his return to America, he brought the subject to the notice of Governor Fletcher, of New York; and subsequently the Legislature passed an act to carry out the project in that Province, and for some years before his death Governor Hamilton was Postmaster General for New Jersey and Pennsylvania, and perhaps other of the colonies.—"East Jersey Under the Proprietary Governments," 2d Edit. ED

enquery Into the particulars aftermentioned, that at his returne he may bring with him to us a Clear & exact account thereof, And of all and every one of them as is underwritten.

Imprimis we Doe hereby Authorize him to Call before him, our friends John Hanton and John Reid ¹ persones Employed by us as overseers of the Stock of Nine hundred

1

appears to have been a book-seller, in Edinburgh, when selected by the Proprietaries to take charge of a party of emigrants, sent to East Jersey in 1683. A memorandum, written by himself, in the possession of his

descendants, gives the following information respecting himself and family: His father and grandfather before him were gardeners, and he was born at Mildrew Castle, in the parish of Kirkliston, on the 13th of February, 1655; and when twelve years old (1667), was bound apprentice to a wine merchant in Edinburgh. His "master" dying, he returned to his family, in 1673; but his father being dead, and his mother married again, he "went to learn the art of gardening" the ensuing year, seeking improvement in the "famous Hamilton Gardens." At this time he became a Quaker. After sojourning a while at Drummond, he went, in 1676, to Lawres, *alias* Fording; where he wrote a book, entitled "The Scotch Gardener," and, in 1678, married Margaret, daughter of Henry Miller, of Cashon, in the parish of Kirkintilloch. She was eleven years his senior. Previous to leaving Scotland for New Jersey, three daughters—Anna, Helen and Margaret—were born to them. They embarked at Leith on the 10th of August, 1683, and proceeded, the next day, to Aberdeen; whence they sailed on the 28th, and were "landed on Staten Island the 19th December; went to Elizabethtown the 23d, and to Woodbridge the 10th January, 1684." His youngest daughter, yet an infant, died on the 15th, and was buried at Perth Amboy the next day; and, on the 18th, they took up their abode there in a house "in the field." His son, John, was born there in July, 1686. On his arrival, Mr. Reid became Deputy Surveyor; and an engraved map, drawn by him, of lands on the Raritan, Millstone, Rahway and South Rivers, and other localities, is in the library of the New Jersey Historical Society. For this map, he was granted a tract of land in Monmouth, named "Hortensia;" and the memorandum, referred to above, records his removal thither in 1686. Up to this time he had acted as clerk of the Amboy Quaker meeting. In 1703, he became connected with the Church of England. In that year he was appointed Surveyer General. He died March 16th, 1723, aged sixty-seven; and his head-stone is still standing in Topanemus, near Freehold. Mr. Reid was repeatedly elected a member of the General Assembly, and appears to have been much respected. His daughter, Anna, married John Anderson, who filled several important positions, and, at the time of his death, in 1736, was President of the Council and Acting Governor of the Province, in consequence of the death of Governor Cosby. One of their sons was named Kenneth. His daughter, Helen, married the Rev. John Bartow, of Westchester, New York, and left several children. His only son, John, studied law in the office of John Chambers, one of the Justices of the Supreme Court of the Province of New York, and afterward practiced at Westchester; was Surrogate of the county from 1760 to 1764, and died at Westchester, in 1802, aged eighty-seven, "beloved and respected by all."—"East Jersey Under the Proprietary Governments;" "Letters from Morey H. Bartow, a descendant;" "Contributions to History of Perth Amboy." Ed.

pound Starling, value in England Com'itted in the year 1683 by us to our friends David Barclay Merchant now Deseassed and by him put Into their hands in money goods, Corne, Cattle, and servants for settling a plantation to our use, there to be Informed by them in the severall particulars aftermentioned & every one of them, that he may bring unto us an exact and true Account of them.

First we doe Impower and authorize the said Capt Hamilton to Call for a sight of our Instructions—given by us 1683 to our said overseers, John Hanton and John Reid, and to take notice particularly wherein our said overseers have observed them and wherein they have neglected them And to returne to us a particular Account thereof, We have here beside our selfs Coppies of our said Instructions too Long here to be repeated, so we referr him to the originall pappers in their owne hands And from themselves to send us notice what is Done by them in every particular of the said Instructions, and what is undone thereof with the reasons of the same.

Item to enquire what platt of ground they wer each of them setled upon and where it lyes, and how many acres it contains.

Item to receive from the said John Reid a Map of Ground plat of both the said plantations taken up by the saids John Hanton and John Reid as it lyeth and as they are bounded, As also to bring a Coppy of such Patent as is passed for all the Lands they have on this Joynt Stock, And in caise there be any weaknesse or Deficiency in such Grant or Grants, that he will procure such further or other Patents as may legally and effectually intitule unto all such Lands.

Item to enquire into the Conveniencys of each Plantation naturally in reference to corne feilds meddow grounds, wood [and water ?] with its Inconvenien[cies].

Item to enquire how many servants wer at first granted to them with their name [or names ?] ages & Characters & what stock of money & goods Corn and . . . of

Cattle such as horses, oxen, Cows Swine sheep and the like, and how many of each kind.

Item to enquire from our said overseers, and also from Gawen Lawrie Deputy Governor & sharer in the said stock, in whose hands, where, and in what kind of goods the rest of our said stock not intrusted into the hands of our said overseers lieth, and if any of it to be out in Debts re[lat]ing to our stock in whose hands such Debts are resting.

Item to enquire at them what value in provvisions and necessars was at first put into their hands.

Item to enquire what houses they have built upon the said plantations with the number and value of them.

Item to enquire what improvement is made upon their said plantations, as what increase there was yearly by the Cattle, and what increase by the Corns, and how it is at this Day, and what corn is sowen yearly, As of wheat, Barly, oats, Indian corn or the like and what other to this day.

Item what number of Acres wer brought in and manured yearly, and what the first year, and how many are brought in and manured since yearly, and how many are under plowing at this day.

Item to enquire how much ground may be expected to be so brought in and laboured During the time of their Indenturs.

Item to enquire how the Increase of corne and cattle is yearly Disposed upon, and what our stock is increased upon that account at this Day.

Item to enquire what Meddow ground are Inclosed for hay upon the said plantations and what quantity of hay is made yearly upon them and whether the Corne Feilds brought in under Labouring are not also Inclosed.

Item to examine and take account of the fees resting to them, and to know if they be paid, and to appoint them to pay themselves out of the Countrey Debts resting to the said stock ; what they are not otherwayes already paid.

Item whereas James Reid and Peter watson, two families being a part of the said stock were nevertheless settled

by themselves apart from John Hanton and John Reid, we Doe also Impower the said Capt Hamilton to make enquiry after the plantation upon which they are settled, and to gett from John Reid a mapp or Ground plott thereof Describeing how it lys and how it is bounded.

Item to be Informed concerning this plantation and the state of it by enquiring into the severall particulars which need not here to be repeated.

Item to enquire for 24^l 16^s 2^d sterling due to Robert Burnet of Lethenty out of the said stock which he advanced to David Barclay on the Acco^t of y^e said stock at his then goeing over, for which Robert Barclay of Urie & Robert Gordon of Cluney Drew a bill upon the said David Barclay in August Last for the paying thereof out of that stock to John Lainge that not being a Debt Due personally by the said David Barclay but a Debt on the said stock, therefore we recomend it to the care of John hanton and John Reid to pay that Bill to John Lainge who went over to the said province in Cap^t Vorse Shipp in August last out of that stock which will be allowed to them in their Accounts.

Item we doe Impower and Authorize the foresaid Capt Hamilton to take a generall Survey of that whole stock, in whatsoever hands it is, And to Consider the whole value thereof as it is now in their hands, and to report to us the true state thereof with a particular returne to these severall proposalls abovementioned to be enquiryed into as is above written.

Lastly since we are Informed that John Reid and John Hanton have exchaynged their lotts in Ambo point with land in the Cuntrey, we Desyre to know from whose share that land in the Cuntrey is Deduced and upon what termes and of whome they have it.

In Scotland Dated March 26^o 1686

In London Dated June 4^o 1686

ROB ^t GORDON	PERTH	R BARCLAY	ROB ^t BURNET
MELFORD	W ^m DOCKWRA	DAVID FALCONAR.	

*The Proprietors, in England, to the Governor and Council
of East Jersey.*

[From an original official Copy among the Manuscripts of W. A. Whitehead.]

The late King Charles the second by his Pres^y Patents under the great seal granted to his p^{re}sent Ma^{ty} then Duke of Yorke amongst other things all that tract of Land now called East new Jersey with all necessary powers of government.

The Duke of York by Indenture grants East new Jersey and the governm^t thereof to the Earl of Perth & twenty three others who have granted many lesser parts to other p^{er}sons. The Inhabitants except ag^t all the 24 Proprietors & other Proprietors of small shares their being^g Judges, Sheriffs Justices or Jurymen on any Criminall cases, which can be for no other reason but because the forfeitures and fines redound to the advantage of the Proprietors & in all civill causes wherein all the Proprietors in generall or any one in p^{ar}ticular is interested.

Quae—What expedient to obviate this Objection

Sol—Not to insist upon the dispoticall power the King of England and his assigns have in these new acquisitions (because the Proprietors will govern by the law of England) upon which the objection above is grounded, but because the Province has but a few people at p^{re}sent, and these scattered up and down in distant places who cannot attend publique affairs without their great prejudices, and few of them are quallified to execute the Offices of Judges Justices or Sheriffs, so that there is a necessity of using the Proprietors in these respective Offices or else there would often be a failure of Justice.

It is proposed.

1 That all forfeitures fines and other penalties that shall be incur'd by any Inhabitants, or imposed upon them in any Criminall case shall be appropriated to the defray-

ing the publique charges of the Province, Such as Salaries of Judges &c: building bridges, making highways &c: and none of it shall be brought into the Private Treasury to be divided amongst them,

This is conceived to be very reasonable in itself and advantagious to other people Inhabitants not Proprietors, for in all Capitall cases it is already provided by the Constitutions,—that no forfeiture shall exceed five hundred pounds in y^e wealthiest man and so proportionably in other persons shall be abated down to five pound, according to their severall degrees & estates, Now its not possible nor ought to be presumed that any Proprietor will be guilty of so much inhumanity as to take away the life of any p'son unjustly for the sake of a very small part of such a forfeiture, which will not redound to the Proprietors advantage at all but go in ease of the Inhabitants, who must otherwayes contribute the more to the publique charge abovementioned: the same reason holds in lesser Crimes punishable by fines only, wherein its not to be presumed Interest can byass any Proprietor that may be Judge Sheriff, Justice, or Jury man to do injustice to his neighb^r: when the profit is not his owne and what he will save by it in his Contributions to the governm^t: will be so small as not to be worth the least iniquity.

Besides the punishments in lesser Crimes may be turned into Corporall ones or into Corporall or pecuniary at the election of the Criminall.

In Civill causes the Proprietors are not likely to have any controversy with the other Inhabitants except in those cases,

viz^t

- 1: Either for Quitt rents,
- 2 Or for trespasses done to their generall & publique Interest,
3. Or for trespasses or breach of contract in their private & p'ticular Interests of any particular Proprietore.

As for Rents they are reserved by Patent and appear upon record what and how much they are, and the Receiver Generall is to give an acquittance for all that he receives So that is not very possible in this case for the Proprietors to do wrong to any Inhabitant, but for further ease to the Inhabitants it is proposed that if the Proprietors are forced at any tyme to distrain for their arrears of rent, the Party distrained shall have a weeks tyme to Redeem the distress, and if they do not redeem it in that tyme, that then two p'sons of the same or the next towne (who are not Proprietors) shall sell the distress and pay the Proprietors and restore the residue to the p'son distrained upon,

2 Trespasses ag^t the Proprietors in their Joynt and publick Interest, are like to happen so seldome, that it is scarce worth any provision ag^t them, but however in such cases it is props'd that the two thirds at least of the Jury be Inhabitants not interested in any Propriety.

3 In trespasses or breach of Contract to or with any Propriet^r in his private Interest, it can be no objection that any other of the Proprietors are Judges Sheriffs or Jurymen, for y^e event of the cause is of no Consequence to the rest of the Proprietors, & the Proprietors may as well Insist that no Inhabitant should be either Judge, Sheriff, or Juryman where a Proprietor is concerned, as the Inhabitants may object ag^t them where an Inhabitant is Concerned, & so no Justice shall be admitted at all.

Besides the Proprietors are mostly strangers to one another, linked only in their publique Interest, but wholly disunited in their private one; & we ought not to think so dishonourably of humane nature as to believe all men to be knaves; but rather encourage men to integrity by professing a handsom opinion of those we have to converse with

The Proprietors have ordered this paper to be Sent to the Gov^r & Councill In East Jersey In America

Lond^o 14^o June anno 1686

WILL. DOCKWRA Agent

*Minutes of Council, Held at New York, Relative to the
Line Between East and West Jersey.*

[From a certified Copy in the Library of the New Jersey Historical Society; Papers
of F. J. Paris, C, p. 37.]

AT A COUNCIL held in Fort James in *New York* June
y^e 30th 1686

P^rSENT

The Governour M^r ffr flypsen

J. Spragge Capt. L. Lantin M^r Nich! Bayard Gawen
Lawrie Esq^r Dep Govern^r of East New Jersey, & John
Skene Esq^r Dep Govern^r of West New Jersey, (with
several Gentlemen, of both Governm^{ts} in their Company)
acquainted the Hon'ble Coll Thomas Dongan, his Ma^{ties}
Lieu^t and Govern^r of New York and its dependences, wth
their *Intention's*, to Run the Lines of the *three Govern^{ts}*
To which he *assented*, and *Proposed*, to them, that the
most Northerly branch of Delaware River, according to
the Patent, should, first, be agreed upon, and fixed; that
the first day of September, next after the date hereof be the
day appointed for the Surveyors to meet, at the Falls of
Delaware River, & that which is the most Northerly
Branch of Delaware River (if any Controversie arise about
it,) be determined, by the Vote of two of these three Sur-
veyor, George Keith,¹ Andrew Robinson & Phillip Wells;
that what is concluded, by two of the said Surveyors, to
be the Limits and bounds of the 3 Govern^{ts}, be so deemed

¹ GEORGE KEITH, subsequently of considerable note as a prominent Quaker, a
missionary of the English Church and writer, arrived in East Jersey in 1685; having
been appointed Surveyor General of the Province by the Proprietors in Scotland.
He did not enter upon his duties, however, until some time after his arrival. It is
thought that his acquaintance with the Scotch Proprietors grew out of the fact that,
in 1683, he was in charge of a school which a son of Robert Barclay attended. He
ran the division line between East and West Jersey in 1687; but two years afterward
removed to Pennsylvania, and accepted the superintendence of a school in Phila-
delphia, and soon became eminent, both as a preacher and writer, among the Quakers;
leading to the assumption of the post of leader, and the creation of a party which
brought about great divisions and bitterness in a before united body. His course
was publicly denounced at a meeting of ministers in Philadelphia in 1692; but their

be so deemed and reputed ; & the Surveyor to give in their Reports under their hands.

All which was agreed upon, & concluded

Instructions from the Council, at New York, to Phillip Wells, Surveyor, Relative to the Line Between New York and East Jersey.

[From a certified Copy in the Library of the New Jersey Historical Society ; Papers of F. J. Paris, A, p 65.]

AT A COUNCIL Sept y^e 1st 1686

P^resent M^r Steph V. Cortlandt the Governo^r M^r N. Bayard Major G Baxter J. Spragge

The following Instructions were given to Phillip Wells Esquire Surveyor of his Ma^{ties} Province of New York. You are carefully and with exactness to run the line between this Province and that of East Jersey beginning in the Latitude of 41 d: and forty m. upon Delaware River.

that being done you are to make the best mark you are able where the bounds of the Governm^t fall and to give a practical report thereof under the hands of your self and the other Surveyors concerned with as much Speed as conveniently may be into the Secretary's office. And because it is very requisite to know the nature of the Soyl you are also to take notice of and observe the nature of the Country and to give me a discription of it Given under my hand at Fort James in New York this 1st day of September 1686

To PHILLIP WELLS Esquire

Surveyor General of his Ma^{ties} Province of N. York

action had no effect upon him. He continued preaching and writing in support of his views until 1694, when he returned to England; and soon after, although he retained a considerable number of adherents, he abjured the doctrines of the Quakers, and became a zealous clergyman of the established Church of England. He returned to America, in 1702, as a missionary from the Society for the Propagation of the Gospel, receiving an allowance of £200 per annum. He preached in all the Colonies, from Massachusetts to North Carolina; several places in New Jersey profiting by his ministrations. Mr. Keith eventually returned to England, by way of Virginia, and received a benefice in Sussex, where he died; continuing until his death to write against the doctrines of the Quakers. See "Contributions to the Early History of Perth Amboy," &c., p. 16, for a notice of him, and for references to other works that allude to the events of his life. Ed.

Agreement Between the Governors of East and West Jersey to Submit the Dividing Line of the Provinces to Arbitration.

[From a Copy in the Library of the New Jersey Historical Society ; Papers of F. J. Paris, C, p. 47.]

Submission of the Line between East and West Jersey to Arbitrators.¹

To ALL to whom These presents Shall Come, Robert Barclay Governor and Proprietor And other The Proprietors of *East New Jersey* in America and Edward Byllynge Governor and proprietary of *West New Jersey* in America Send GREETING *Whereas* The Said provinces of East and West New Jersey Lye Contiguous to each other, and The true Bounds of Either are not yet fully known, whereby The Inhabitants of the Said Respective provinces are, or may be, prejudiced in Their Settlements, and The Respective Governors Thereof be in doubt, how far Their Jurisdictions extends *Now Know ye* That for Remedy of the Inconveniencies above mentioned and of all other difficulties that may arise by reason of The uncertainty of the Just Limitts of both the said provinces *a Division shall be made* of the said provinces by Meithes and Bounds at the Equal Charge of Both The Said provinces, And to that End Do here by order and Direct The Respective Deputy Governors for The Time being of the Said provinces Respectively to Nominate and appoint within one month next after Their receipt of these presents, or as soon after as may be Three persons or more not exceeding five, Being Inhabitants of Each province whereof The Surveyor General of each province or their deputys Shall be two, and Three persons of each province at least Shall be present for The making Such divisions, and That The persons So to be Nominated Shall as Soon as they can proceed to

¹ Recorded in "East Jersey Records," Liber B, p. 52.

make as equal a Division of the Said provinces as they Can according to the Best of their Judgment and Skill, and That where it may be Conveniently done They Shall make Rivers and other the most Notorious places The Boundaries of each province, and if any disadvantage in quantity of Land in The Judgement of the persons appointed to make Such Division, arise to either province by reason of making Rivers or other Remarkable places the Boundaries thereof, The persons who Shall make Such division Shall have power and are hereby Authorized to appoint Such a Compensation in Land, to Such province which hath The Disadvantage as may be Consistent with The preservation of the Division That Shall be made by Them, *And The Said Governors* and proprietors do hereby further order and direct The persons appointed to make Such division Shall make an Exact report thereof to The Said Governors and Proprietors forthwith after it is adjusted, to The End Such an Effectual Method may be taken as is proper for Confirming and perpetuating the Same for the peace and welfare of Both the Said provinces. *In witness* whereof The Governor and proprietors of East New Jersey have to These presents Sett The Seal of their province, and The said Governor of West New Jersey hath Sett his hand and Seal This *fourteenth day of September* in The Second Year of the Reign of our Sovereign Lord King James the Second, and in The Year of our Lord One Thousand six hundred and *Eighty and Six*

ED: BYLLYNGE

Position of the Forty-first Degree of North Latitude on Hudson's River.

[From a certified Copy in the Library of the New Jersey Historical Society : Papers of F. J. Paris, A, p. 66.]

RECORDED the 11th of Novemb^r 1686.

By two Sundry observations of the Sunns Meridionall Altitude made the eighth and twenty ninth days of Sep-

tember One thousand six hundred eighty Six it appeared and was manifest to Phillip Wells George Keeth and my self observers that the fourtieth and one degree of Northern latitude upon Hudsons River is one minute and twenty five Seconds to the Northwards of Younckers Milne and so falls upon the high Clifts of the Point of Tapaan on the West side of said River WITNESSE our hands hereunto putt

ANDREW ROBESON
PHILLIP WELLS

*Certificate of Governor Morris, Relative to the Line
Between New York and New Jersey.*¹

[From a certified Copy in the Library of the New Jersey Historical Society; Papers of F. J. Paris, B, p. 81.]

Governor Morris' Proof of Agreement to Line

BY HIS EXCELLENCY LEWIS MORRIS Esq^r Captain General and Governor in Chief of his Majesty's Province of New Jersey and Territories thereon Depending in America and Vice Admiral in the Same &c I Do hereby Certify that some Time in or about as I Believe the year 1685, or 1686, Coll^o Thomas Dongan then Governor of New York with some of the Gentlemen of the Council of New York and others met with Gawen Lawry, then Governor of New Jersey with some of the Gentlemen of the Council of New Jersey and others at a Place nigh which stood afterwards the House of Coll^o William Merrett on the West Side of Hudsons River where an Observation was then made of the Latitude and mark'd with a Pen Knife on a Beech-Tree standing by a small Run or Spring of Water that Run down on the North Side of the Place where I think Merrett's House afterwards stood. Sometime Early in the Begining of the year 1691. I Went and

¹ This document is without date, and probably was not executed until about 1745. It is here inserted, as it refers to an event occurring in 1685 or 1686. ED.

Remark'd the said Tree but do not Remember what was the Latitude that was mark'd thereon. They went afterwards to a House to the Southward of a Place Call'd Verdrietige Hook and from thence Southerly to a Farmar's House to the Northward of the Tapan Meadow at the Bottom of the Bay, I cannot particularly Remember whether Observations was made at one or both these Places—but I was told They there did Agree that the Mouth of Tapan Creek should be the Point of Partition on Hudsons River—between the Province of New York and that of New Jersey.

LEWIS MORRIS.

Obligation of the Deputy Governor and Proprietors of West Jersey to Abide by the Determination of the Arbitrators on the Division Line.

[From a Copy in the Library of the New Jersey Historical Society; Papers of F. J. Paris, C, p. 48.]

Obligation of West Jersey Authorities

KNOW ALL MEN by These presents That wee John Skein Deputy Governor of West Jersey, Samuel Jennings, Thomas Olive, George Hutchinson, Mahlon Stacy, Thomas Lambert and Joseph Pope, All Proprietors and Inhabitants of the Said Province Acknowledge our selves to be well and firmly Bound to pay unto the Lord Neill Campble Governor of East Jersey, and Captain Andrew Hamilton and John Campble Proprietors and Inhabitants of the Said province The Sum of five Thousand pounds of Lawfull money of These provinces. IN WITNESS whereof we have hereunto put our hands and Seals This Eight day of The Eleventh Month commonly called January One Thousand Six hundred Eighty Six,¹ Being The Second year of King James the Second of Great Britain and Ireland &c.

THE CONDITION of this Obligation is Such That Whereas There having been Several Meetings Betwixt diverse of

¹ 1686-7. This document is recorded in Liber B, "East Jersey Records," p. 53. ED.

the Proprietors of East and West Jersey in order to run The Line of Division Betwixt the said provinces, but not agreeing upon the Stations from which the Said Line was to Extend, it was by a mutual Consert of the parties above mentioned agreed to referr the whole matter in difference [and That without regard to any former Acts or deeds touching The Said partition Line] to be determined by William Emley and John Reid, And in Case They two Cannot agree upon it Themselves, That Then The Said William Emley and John Reid Should have full power to Chuse and appoint an umpire to determine The Same, *If Therefore* the said John Skein, Samuel Jennings, Thomas Olivee, George Hutchinson Mahlon Stacy, Thomas Lambert and Joseph Pope do Stand to and abide by The determination of The Said William Emley and John Reid, or in want of Their determination Then to Stand to and abide by The Determination of The Said Umpire they Shall Chuse and appoint That Then This Obligation to be Void and of non Effect or else to remaine and be in full force and Vertue, *Memorandum* That the words on The Margine (and That without regard to any Acts or deeds touching the Said partition Line) was written, before the Signing Sealing and Delivery hereof—

JOHN SKEIN,	SAMUEL JENNINGS,
THOMAS OLIVE,	GEORGE HUTCHINSON,
MAHLON STACY,	THOMAS LAMBERT,
JOSEPH POPE	

Signed Sealed and delivered in the Presence of us
 HENRY GREENLAND,
 WM. MOUNT.

*Award of John Reid and William Emley, Appointed to
 Settle the Line Between East and West Jersey.*

[From "East Jersey Records," Vol. C., p. 137.]

WHEREAS the Governours & proprietors of East and West Jersey has wholly referred y^e division lyne of y^e two

provinces to us (as by their bonds doth appear) That is to say given us full power to runn y^e Same as wee think fitt. Therefore wee do hereby declare that it shall runn from y^e north side of y^e mouth or Inlett of y^e beach of little Egg Harbor on a streight lyne to Delaware river north north west and fifty minutes more westerly according to naturall position & not according to y^e magnet whose variation is nine degrees westward.¹

Witness our hands this Eight day of January 1688⁶

JOHN REID

WILLIAM EMLEY

*Governor Dongan's Report on the State of the Province of
New York, &c.*

[From "New York Colonial Documents," Vol. III., p. 389.]

[Extract.]

MY LORDS

And as for East Jersey it being situate on the other side of Hudsons River & between us and where the river disembogues itself into the sea; paying noe Custom & having likewise, the advantage of having better land & most of the Settlers there out of this Govern^{mt} Wee are like to bee deserted by a great many of our Merchants whoe intend to settle there if not annexed to this Government

Last year two or three ships came in there with goods & I am sure that that Country cannot, noe not with the help of West Jersey consume one thousand £ in goods in two years soe that the rest of these Goods must have been run

¹ James Alexander, in some notes in papers of Ferdinand John Paris, in the library of the New Jersey Historical Society, C, p. 44, alludes to this award as being "a thing very ridiculous in itself, when the quintipartite deed was in force. It occasioned much confusion in New Jersey, till the New Jersey Act of 1718 rectified all. . . . But tho' it was so awarded and run by George Keith from Eggharbour to *John Dobie's* [on a branch of the Raritan,] yet it was never run further and was clamoured against at once by West Jersey with very good reason." ED.

into this Govern^{mt} without paying his Mat^{rs} Customs, and indeed theres no possibility of preventing it.

And as for Beaver and Peltry its impossible to hinder its being carried thither, the Indians value not the length of their Journey soe as they can come to a good market which those people can better afford them than wee, they paying noe Custom nor Excise inwards or outwards.

An other inconveniency by the Governments remaining as it does is that privateers and others can come within Sandy Hook and take what Provisions and Goods they please from that Side. Alsoe very often shipp^s bound to this place break bulk there & run their Goods into that Colony with intent afterwards to import the same privately & at more leisure into this Province notwithstanding their Oath, they salving themselves with this evasion that that place is not in this Government—To-day an Interloper landed five Tun and one half of teeth there. To prevent all which inconveniences and for the securing of this place from Enemy^s, I desire to have an order to make up a small Fort with twelve guns upon Sandy Hook the Channell there being soe near the shore that noe vessel can goe in nor out but she must come soe near the Point that from on board one might toss a biscuit Cake on Shore

If the Proprietors would rightly consider it, they would find it their own Interest that that place should bee annexed to this Government for they are at a greater charge for maintaining the present Govern^{mt} than the whole Profits of the Province (which is by quit Rents) will amount unto ; for they are at the whole Charge, the Country allowing nothing towards its support soe that had they not the charge of the Govern^{mt} they might put that money into their own pockets

And indeed to make Amboy a port will be no less inconvenient for the reasons afore mentioned neighbouring Colonys being not come to that p^rfection but that one Port may sufficiently serve us all

We in this Government look upon that Bay that runs

into the Sea at Sandy Hook to beè Hudsons River, therefore there being a clause in my Instructions directing mee that I cause all vessels that come into Hudsons River to Enter at New York, I desire to know whether his Mat^y intends thereby those Vessels that come within Sandy-Hook, the people of East Jersey pretending a right to the River soe farr as their Province extends which is eighteen miles up the River to the Northward of this Place.

West Jersey remaining as it does will be noe less inconvenient to this Government for the same reasons as East Jersey, they both making but one Neck of Land and that soe near situate to us that its more for their convenience to have commerce here than any where else, & under these circumstances that if there were a Warr either with Christians or Indians they would not bee able to defend themselves without the assistance of this Governm^t

To bee short, there is an absolute necessity these Provinces and that of Connecticut bee annexed

.

The Correspondence wee hold with our Neighbours is very amicable & good Wee on all occasions doing each other all the offices of Friendship & Service wee can, which has so much endeared them to us that they desire nothing more than to be a part of this Government, those of Connecticut choosing farr rather to come under this Government than that of Boston, for the reasons aforementioned; and the Jerseys wish^d the like as having once being a part of us. And seeing that in this separation, they are not soe easy or safe, as they might expect to bee, were they reunited to us.

.

concerning a farm at East Jersey belonging to his Ma^{ty} & c Mr Santen might have given a better account of this if his malice had suffered him. The Farm at East Jersey paid ten pounds P^r annum to his Ma^{ty} and at a Back rent, the proprietors of East Jersey putting us to more trouble than

the value of it, they constantly disturbing the Tenants on pretence that his Ma^{ty} had granted that to them, soe that I conclude it would be more inconvenient to keep it than part with it—Therefore Judge Palmer having an interest in East Jersey & an influence upon the Governor there, on his giving mee his obligation to pay as a fine the summ of Sixty pounds to the King in case hee should not think fit to forgive it & the rent of twenty shilling p^r annum & to defend the Title, I gave him a lease of the Reversion of it ¹

[Feb. 22, 1687.]

¹ This farm belonged to the Dutch West India Company; and, after the reduction of the country by the English, went by the name of "the Duke's Farm." It was at Ahasimus, opposite the city of New York. The lease to Palmer was for ninety-nine years, and is in the Secretary of State's office, at Albany, in Book of Deeds, VII., p. 170.—*Dr. O'Callaghan. Ed.*

[Note for page 528.]

² ARENT SONMANS was one of the first twelve Proprietors of East Jersey. He was a Hollander by birth; but when introduced to our notice was a resident of "Wallingford, Scotland." On becoming interested in East Jersey, he intended visiting the Province; but on his way from London to Holland, in August, 1683, in company with Governor Barclay, when passing through Hunterdonshire, he was shot by a highwayman, and was buried in Friends' Burial Ground, Hinton. He left a wife (Frances Hancock) and three children,—*Peter*, who came to East Jersey, and became a person of considerable notoriety; *Rachel*, the wife of Joseph Ormston, and *Joanna*, wife of Joseph Wright. The Sonmans' interest in the Province became larger than that of any Proprietary; equaling, in 1687, five and a quarter Proprieties.—Smith's "New Jersey," p. 425; Whitehead's "Amboy," p. 76; "East Jersey Under the Proprietary Governments," 2d Edit., p. 175. *Ed.*

[Note for page 529.]

¹ SAMUEL GROOM came to East Jersey in 1682, accompanying Deputy Governor Rudyard, as Surveyor and Receiver General. He is styled "Mariner of Stepney," and is first mentioned, in connection with America, as being in command of a vessel of his own, that was at some port in Maryland in 1676. His touching at West Jersey, on his way back to England, was probably the cause of his becoming connected with the East Jersey Proprietors. His letters, preserved in "Scot's Model," indicates that he was much pleased with the Province. He died in 1683, leaving on the stocks at Perth Amboy, unfinished, the first vessel known to have been built in East Jersey. His proprietary right was transferred to William Dockwra in July of the same year.—"East Jersey Under the Proprietary Governments." *Ed.*

List of the Proprietors of East Jersey, 1687.1

[From the Original in the Library of the New Jersey Historical Society.]

THE NAMES OF THE PROPRIETORS OF THE PROVINCE OF EAST-NEW-JERSEY as they now stand wth their subdivisions April 2^d 1687 viz^t

	JAMES EARLE OF PERTH J ^N ° DRUM'OND ESQ ^r NOW viz ^t himselfe . . . $\frac{1}{4}$ LORD VISCOUNT MEL- FORT Arent Sonmans Chil- dren $\frac{1}{4}$ viz ^t himselfe . . . $\frac{3}{8}$ ^{the} Minivard now D Mudie $\frac{1}{4}$ J ⁿ ° Campbell . . . $\frac{1}{8}$ Lord Tarbet now to } Arent Sonmans Chil- Lord Neil Campbell } $\frac{1}{4}$ dren the other half $\frac{1}{8}$	ROB ^t BARCLAY OF VRIE ESQ ^r Governor	ROB ^t GORDON ESQ ^r viz ^t himselfe one halfe and Gawen Lawrie, y ^e other
ARENT SONMANS ESQ ^r . ² deceased Being now in his Chil- dren & trustee in all 5 & $\frac{1}{4}$. Vide y ^e Par- ticulars	DAVID BARCLAY convey'd To y ^e aforesaid Arent Sonmans & ^a	HUGH HAETSHORNE convey'd To y ^e aforesaid A. S. & ^a	GAWEN LAWRIE not concerned in any right to himselfe But Only in trust for y ^e afore- s ^d . A: S. & his Chil- dren.—

1 There is another list of the Proprietors in the library of the New Jersey Historical Society, dated 1686; but subsequent transfers have been interlined, confusing the document, and rendering it uncertain to what period it actually refers. Ed. 2 For note, see page 537.

<p>WILL^m PENN Esq^r:</p>	<p>ROB^t WEST Esq^r. convey'd to M^r Tho. Cox And Cox convey'd To S^r Ewen Cameron ¹⁸/₄₀as To W^m Dockwra & J: H: ⁷/₄₀. And March last The remaining halfe To John Baker being ²⁰/₄₀.</p>	<p>THO: RUDYARD GENT. viz^t Himselfe ¹/₄ His son in Law West ¹/₄ Ditto Sam: Winder . ¹/₄</p>	<p>SAMUEL GROOME ¹ conveyed July 83, To Will. Dockwra and W. D convey'd To Rob^t Blackwood wth whom Lord Neill Campbell is partner one halfe</p>
<p>THOMAS HART Merchant</p>	<p>RICHARD MEW conveyed to Jⁿ Hancock—but 'twas in trust only for The Children of Arent Sonmans aforesaid the one halfe of his pro- priety and To Will^m Dockwra the other halfe</p>	<p>AMBROSE RIGG conveyd to T Robinson ¹/₂ and To Rob^t Barclay y^e other halfe w^{ch} is since thus conveyed To Rob^t fullerton . ¹/₂₀ To Tho: fullerton . ¹/₂₀ To John Gordon D^r . ¹/₂₀ To Tho. Gordon . . ¹/₂₀ To Charles Gordon . ¹/₂₀ To James Johnstown ¹/₂₀ To S^r Jⁿ: Delrample ¹/₂₀ To W^m Aickman . . ¹/₂₀ To John Barclay . . ¹/₂₀</p>	<p>Jⁿ° HEYWOOD convey'd to Rob^t Bur- net Esq^r and he to the persons viz^t To Andrew Jeoffry . ¹/₁₆ To James Willokes . ³/₃₂ To Andrew Galloway ¹/₃₂ To W^m Gerrard . . ¹/₃₂ To Rob^t Gordon . . ¹/₃₂ To James Miller . . ¹/₃₂ To Geo: Alexander . ¹/₃₂</p>

¹ For note, see page 597.

<p>CLEM^t PLUMSTED viz: himselfe one halfe and To Rob^t Burnet y^e other & from him</p>	<p>THOMAS COOPER viz: himselfe—one halfe and to S^r Jn^o Gordon y^e other subdivided, viz: to himselfe . . . 1 S^r Rob^t Gordon . . . 10 Charles Orminston . . . 10 David Mudie . . . 10 Tho: Pearson . . . 20 Kenith Meckenzie . . . 40 David Falconar . . . 40</p>	<p>JAMES BRAIN Merch^t</p>
<p>Edw^d BYLLYNCE conveyed To Dr Daniell Coxe and he To—</p>	<p>THO: BARKER viz: himselfe—one halfe and To Walter Benthall y^e other</p>	<p>THOMAS WARNE viz: himselfe ½ To Ant^o Sharpe ½ To Sam: Cla- ridge . . . 1 ¼ To Tho: Session 12 To W^m Bingley 12</p>
<p>W^m GIBSON</p>	<p>ROB^t TURNER Sold In East Jersey To—</p>	<p>from y^e Register Pr WILL. DOCKWRA:</p>
<p>Extracted</p>		

*Revocation of all Deputy Governor Lawrie's Powers in
East Jersey.*

[From the Original in the Library of the New Jersey Historical Society.]

ROBERT BARCLAY Esq^r: Governor and one of the
Proprietors of the Province of East New Jer-
sey, and other the Proprietors of the said
Province.

(SEAL) To the Deputy Governor for the tyme being,
OF THE and the Council of Proprietors there.
(PROVINCE.)

Greeting

THE Proprietors here having taken into consideration the state of their affairs within the said Province under the late [conduct] of Gawen Lawrie and the accounts remitted by him, Judge it unfitt to continue him longer in any publique employment And do therefore hereby revoke all authorities formerly granted to him, either by Letters of Attorney Orders Commissions Instructions or otherwise: and declare that all such authorities shall be null and void to all Intents and purposes from the tyme this present Order shall be read in the presence of the Deputy Governor in Council And the said Proprietors do hereby Order and direct that publique notice be given to the Inhabitants of the said Province that they do not pay or deliver to the said Gawen Lawrie any more Rents money goods or debts due or belonging to the Proprietors at their Perill. But to such Receiver Generall who is appointed under the Seale of the Province or his Dep^{ty} or Deputies and shall be published by the Governor and Council to the end that all persons may have due notice thereof. And whereas the said Gawen Lawrie hath (as the Proprietors are informed) given discharges to Severall persons for arrears of Rents not paid, and taken Security for the Same

by notes bonds or some other manner in his owne name
 The Proprietors doe hereby advise and Order all such
 persons who have given Such Security to him not to pay
 any of the said mony so secur'd to him but to the Receiver
 Generall his Deputy or Deputies as abovesaid for which
 they shall be discharged and indemnified by the Proprie-
 tors Given in London under the Seale of the Province of
 East Jersey this Fifth day of May in the third yeare of
 the reign of James the Second King of England &c Annoq:
 Dom: one thousand six hundred eighty-seaven

Signed by order of

The Proprietors

WILL. DOCKWRA

Agent

Petition of Judge Palmer.

[From London Public Record Office, B. T. Vol. I., p. 371.]

Petition of Judge Palmer to the K: that a fine of
 60^l may be remitted to him.

To his Most Excellent Majesty JAMES the Second by the
 grace of God King of England Scotland France and
 Ireland Defender of the faith &c: Supream Lord of
 the Plantation & Collony of New yorke.

The humble Petition of John Palmer. In most humble
 mannor Sheweth

That there is a certaine small farm belonging unto Your
 Most Sacred Majesty in the Province of East New Jersey,
 formerly granted by S^r Edmund Andross & his Predeces-
 sors to one Gasper Stenmets, and his wife dureing their
 lives, under the annual rent of tenn pound, which said
 farm, By reason of the many disturbances which the Ten-
 nant in possession received, by the Proprietors of the
 Province aforesaid; who pretend a right to the same, by
 virtue of Your Most Sacred Majestyes grant; and in

consideration of an obligation, which Your Most Sacred Majestyes Petitioner now lyes under to assert & defend Your Majestyes right thereunto, against their unjust molestations and pretences, and a fine of Sixty pounds, which Your Majestyes Petitioner is obliedged to pay unto his Excell^{ty} Coll Thomas Dongan, for Your Majestyes use: unlesse your Majesty should think fitt to remitt the same; His said Excell^{ty} was pleased to graunt the reversion of the said farme, to this Your Majestyes most humble Petitioner, to com'ence after the decease of the Tennant in possession, under the annual rent of twenty shillings.

WHEREFOR Your Majestyes most humble Petitioner, in most humble manner Requesteth, that Your Most Sacred Majesty would be Most graciously pleased, to remitt and forgive unto Your Petitioner the abovesaid fine of Sixty pounds, And he, as in duty bound Shall ever Pray,

J. PALMER.

[Endorsed :]

Rec^d from M^r Spragg 9 May 1687

Read 18 May 87

*Petition of the Proprietors of East Jersey to the King,
Relative to the Entering of Their Vessels at New
York.*

[From London Public Record Office, B. T. ; "New York," Vol. XLVII. p. 118.]

TO THE KINGS MOST EXCELLENT MAJ:^{TY}

The Humble Petition of the Proprietors of the
Province of East new Jersey in America.¹

Humbly Sheweth

That about four years since yo^r Maj:^{ty} was graciously pleased to grant and confirme to yo^r Pet^{rs} the said Province, with the free use of all Bays, Rivers, and waters lead-

¹ This petition being referred to the Board of Trade, on the 30th of May: on the 15th of June, they gave their opinion that the petition be sent to Governor Dongan for his answer. On the 18th of June, an order of Council was issued, confirming the action of the Board. Ed.

ing thereunto, for Navigation, Free trade, and Fishing; upon which encouragement, and their confidence of the inviolableness of it, yo^r Pet^{rs} and many others by their persuasion, have expended great Summs of money in Settling plantations there, and building a town called PERTH, upon a convenient harbor within Sandy-hook-Bay; hoping to raise Such a trade by their Industry, as might in process of tyme bring honour and advantage to the Crowne, and Some recompence to yo^r Pet^{rs} for their charge and hazards: And though yo^r Pet^{rs} have not been convicted of any forfeiture of their said Liberty, nor are conscious of having committed any, but taken exact care to put the Act of Navigation in due Execution, and to proceed in all things according to the Laws of England, yet Colonell Dongan yo^r Maj:^{ties} Governor of New-York, on the twenty Second day of November last, caused Severall Souldiers commanded by a Sergeant to Surprize a Small vessell which arrived from Ireland at the port of PERTH, and was duly enter'd there; and fore'd the said vessell to go up to, and enter at New-Yorke; and he threatens to Seize all Ships bound for East-New-Jersey that Shall not enter at New-Yorke; which as it is a direct infringement of the privileges yo^r Pet^{rs} claim under yo^r Royall grant, So unless redressed, It will discourage the further planting of the said Province, occasion the loss of yo^r Pet^{rs} Stock there, & overthrow one of the most hopefull Colonies in America.

Yo^r PET^{rs} do therefore humbly beseech yo^r Maj:^{tie} that they may quietly enjoy the benefitt of yo^r Maj:^{ties} grant for the future.

And yo^r Pet^{rs} Shall ever pray &c:

Whitehall. 30th May. 87:

His Maiestie is graciously pleas'd to referre this petition to y^e Right Hon:^{ble} the Lords of the Committee for Trade and forreign Plantations, to examine y^e Contents thereof & to report their Ldpp Opinion thereupon; and his Ma^{tie} will declare his further pleasure.

MIDDLETON

*Representation and Proposals of the Proprietors of East
New Jersey.*

[From London Public Record Office: B. T.; "New York," Bundle D, Paper 51.]

Representation of the case of the Province of East
Jersie Together with their proposalls June
1687 ¹

TO THE KING

The humble Representation of the case of the propriet^{rs} of East New-Jersey in America, with proposalls whereby they may comply with the Kings pleasure and preserve their own Interests

1 The present propriet^{rs} had not this province as a Gratuitous Benevolence from the King, but bought it with their money, having paid above twelve thousand pounds for it, and are notwithstanding forc'd to buy every Acre over again at a considerable rate from the Indians, who daily raise the price of land as they understand our want of it

2 That the most considerable of the propriet^{rs} would not be concerned in it, till they had obtained the particular approbation of the present King, and the Assurance of his Favour & Protection; as a pledge whereof the King was pleased to give them a Confirmation of the Soyle; and a Grant of the *Free use of all Bayes, Rivers & waters for Navigation, Free trade & Fishing with the right of Government* Dated the fourteenth day of March 1682 which is a later Grant than any other Colony in America can pretend to

3 The Propriet^{rs} Esteeming this Security of the Kings Grant Inviolable adventured great Stocks upon that Bottom, and many of them being Scotch Gentlemen, have sent Severall hundred persons out of Scotland, and may if not discouraged, Send more every year, whereby an English Plantation has been, and may be further advanced without

¹ *Endorsed*: "Read the 12th August '87, Referred to the hearing Ordered at Windsor ye 14th."

Diminishing the people of England: But the propriet^{rs} have not yet received the least return of their Charge and Hazard in purchasing and Improving the Countrey, The Infancy of it requiring a continuall Support from; and not being able to yield any to them

4 The propriet^{rs} humbly conceive the Recency of their Grant from y^e King, the Royall Approbation and Assurance, that induc'd them to be concerned in this province, and the greatness of their Charge in purchasing and improving it makes their Case very Different from the case of most other American plantations, and to deserve a particular consideration and favour; and yet they are under a great hardship than any other Colony. For though the Rest are equally under the processe of a Quo Warranto, yet they remain undisturbed in their properties: But the propriet^{rs} of East New Jersey have been violated in their property of their ports by the Governour of New-York, who forc'd a Ship from the port of Perth Amboy being legally entered there, up to New-York to make their Entry there, under pretence of an order from the Committee of plantations, w^{ch} if true, is directly contrary to the Kings Grant to the Propriet^{rs} of the *Free use of all Rivers, Bayes & waters for Navigation & Free trade*, and was obtained without hearing of, or any notice given to the propriet^{rs}, and grounded only upon an old Instruction of that Nature formerly given to S^r Edmond Andros before the Kings Grant to y^e propriet^{rs}

5 As to the objection against East Jersey that there is not the like custome paid there as is paid at New-York, whereby a prejudice arises to the trade of New-York, and the Kings Revenue there: The propriet^{rs} in answer thereunto, do humbly offer to the Kings consideration that the custom at New-York was legally impos'd with consent of the people in a Generall Assembly of that Province; And East Jersey being at that time, and still remaining a Distinct province from New York, and having no representatives in their Assembly cannot be concluded by their Act

And therefore no custom can be justly exacted in East Jersey till it be imposed there in the same Legall manner But if Such custom could be demanded in East Jersey without the consent of a Generall Assembly, the propriet^{rs} humbly conceive and are Advised that the nonpayment of it could not give a Sufficient ground to the Governor of New-York to make Such an Invasion upon their Right of port, that being no Franchise revertible to the Crown by Judgment in a Quo Warranto, but a matter of meer property, the abuse of which is no otherwise punishable then according to the Directions of the Act of Navigation ; And if it had been a Franchise, yet the propriet^{rs} ought not to Lose it before a Legall Eviction or a Voluntary Surrender, much less be spoiled of it uncall'd & unheard.

6 Though it hath been alwayes the Policy to Encourage Infant-Plantations by free ports and free Trade, as necessary for their Support, yet the propriet^{rs} are So ready to comply with the Kings inclinations in this particular that they are willing as far as in them lyes, to yield to the like custome in East Jersey as is paid in New-York, if it please the King by his Council to direct them to impose it in Such a manner as may not draw the propriet^{rs} under any legall Censure, but they humbly conceive That this when Settled ; will not answer the ends of New-York or advance the Kings Interest, unless all other Neighbouring Colonys pay the like custome, but the Trade will dessert both New York, and East Jersey, and run to other places continuing free from this Burthen.

The propriet^{rs} are not only ready to comply with the Kings Expectations in the matter of Customes, but in the point of Government too ; for as they value themselves upon the Kings opinion of their Loyalty, which they conceive moved him to grant them the Government, So they are desirous to preserve the Kings good opinion of them by a Dutifull Surrender of it ; But they humbly hope as his Royall Wisdom prompts him to resume all the American Governments into his own more immediate Admin-

istration ; So his Justice and Goodness will incline him to grant the Propriet^r all Reasonable priviledges for preserving their Estates adventured in East Jersey, and therefore will not esteem it a Breach of modesty, far Less of their Loyalty, that they humbly offer the following proposalls as things which they conceive necessary to prevent the totall ruin of their Interests.

1 That East Jersey may not be annexed to New York, and put under that Government, but be made either a District Government of it Self, or be Joyned with West Jersey under one Governour ; And Since the Proprietors of East & West Jersey are very numerous, The King will please to name one from amongst them of whose Loyalty and Ability the King may be satisfied, to be Governour, according to the present practice of naming Magistrates in most corporations in England.

2 That in respect of the proprietors Interest in the Countrey, the King will please to direct that Some of them or their proxies in the Province Shall be allwayes of the Governours Council.

3 That whatsoever the Kings pleasure Shall be in the former points, Courts of Justice may be Established in East Jersey, and be held at Perth. and such other places as may best Suit with the Conveniency of the Inhabitants, from whence no Appeal Shall lye but to the King in England, for if the people must be forc'd to go up to New York or any other province for Justice, It will be Cheaper for them to bear wrongs then Seek Redress, And Ill men will be thereby Encouraged to oppress their Neighbours, and Reduce the Countrey into a Wilderness again.

4 That the proprietors having declared their ready compliance in the matter of Customes, may Enjoy the free use of their ports according to the Kings Grant above mentioned without any Interruption from any other Government, And that an officer be Appointed in this province to collect the Customes, And take care that the Act of Navigation be duely put in Execution.

5 That Since the Soyle and Quitt Rents will still Remain the proprietors property, and three Fourth parts of the Land lying within the Bounds of East Jersey Jersey is yet unpurchased from the Indian Natives, the proprietors or their Deputies may have the Sole power of treating with the Indians for purchase of Such lands, and the Appointing Surveyors, Secretaries, Registers and other Officers for the Surveying, issuing out warrants, Recording Returns of Surveys, and Grants of land, Collecting and Recovering their Quitt Rents, and may have a particular Jurisdiction for Such purposes as Lords of Mann^{rs} have here in England, and that the Kings Governour may not intermeddle in these matters

By these Concessions the proprietors hope, their Adventures may be preserved, and the Kings intentions as well, and Interest better answered, then by Annexing East Jersey to New York, and they humbly hope that the King will condescend to, and Establish them So firmly, as the proprietors may not lye under the fears of any future Alteration, but be encouraged to proceed in Improving the province to the Kings Honour, and their own benefit.

The propriet^{rs} having studied brevity both in this Representation, and their proposalls, are ready to Explain them Selves in any point that may Seem obscure to the King, or his Council, if they may be allowed an opportunity to be heard, which they humbly request as absolutely necessary to the Adjusting these matters.

Att the Court att Windsor the 12th of July 1687 His Ma^{ty} is Graciously pleased to referr this Representation and Proposals to the Consideration of the Right Honourable the Lords of the Com'ittee of Trade & Plantations to hear the Proprietors thereuppon, and Report their opinions to his Ma^{ty} who Will then declare his further Pleasure.

MIDDLETON

*Order Erecting New Perth, in East Jersey, Into a Port
of Entry.*

[From "New York Colonial Documents," Vol. III., p. 428.]

AFTER Our very hearty Commendations. Whereas by former Instructions given unto you His Ma^{ty} has thought fitt to Order, That all Ships & Vessels coming within the river and channel of New York shall enter at His Ma^{ty}'s Citty and Port of New York, His Ma^{ty} is pleased, upon further consideration, to direct us to signify his pleasure unto you That you permit all ships & Vessels bound for New Perth in His Majesty's Colony of East-New Jersey to goe directly thither, without touching at New York or being carried thither untill further order. Provided always that the Government of East New Jersey doe suffer such person as you or the Receiver Generall of His Ma^{ty}'s Revenue at New York for the time being shall appoint, peaceably & quietly to receive & collect for His Ma^{ty}'s use the same Customs & Imports as are usually paid at New York for such shippes and their lading as are entred there. And soe wee bid you very heartily farewell.

From the Council Chamber at Windsor the 14th day of August 1687

Yo^r very loving freinds

SUNDERLAND P.	ARUNDEL C P. S.	MIDDLETON
BATHE	GODOLPHIN	J. EMLÉ
WILLIAM BLATHWAYT		

To our very lo: freind THO: DONGAN Esq^r His Ma^{ty}'s Cap-
tain General & Gov^r of New York

¹ Nov^r y^e 21:st 1687 Read in Council & ordered to be
Recorded & entred in y^e Records of the Province of New
York y^e same day by JOHN KNIGHT S^{ry}

¹ This appears in a certified copy among the manuscripts of W. A. Whitehead.

From Governor Barclay and the Proprietors of East Jersey, in England, to the Deputy Governor and Council in East Jersey.

[From a Copy of the Record in Book B, p. 478, in Secretary's Office, at Perth Amboy; among the Manuscripts of W. A. Whitehead.]

ROBERT BARCLAY Esquire Governor and one of the Proprietors of the Province of East New Jersey and other the Proprietors of the said Province, To the Deputy Governor and Council of Proprietors in the said Province and all others whom these Presents do or may Concern;

Greeting

WHEREAS The Proprietors have been very sensible of the Ingenuity and good Services of Captain Andrew Hamilton in his Present Station as their Deputy Governor of East New Jersey, being so appointed by the Lord Neil Campbell at his Coming away from thence for England who was Authorized in Case of an urgent Necessity to appoint a Deputy Governor there, as may appear by his Commission dated in London the fourth day of June One thousand six hundred Eighty and six, AND WHEREAS the said Robert Barclay and the Rest of the Proprietors being fully Satisfied with the Care and Conduct of the said Cap^t Andrew Hamilton and his ability for such an employment The said Robert Barclay did Grant the said Cap^t Andrew Hamilton a Commission for Deputy Governor under his hand and seal of the said Province, Signed also by William Dockwra our Agent on Behalf of the Rest of the Proprietors and dated the Eighteenth day of August Last Past, to Continue Deputy Governor for two Years from the date thereof which said Commission from the said Robert Barclay, and the appointment before by Lord Neil Campbell unto the said Cap^t Andrew Hamilton for Deputy

Governor, the Proprietors do unanimously approve of, And thereupon the said Proprietors do hereby Order and appoint the Receiver General (or in want of him then such Person or Persons as shall or may have the receiving of the Quit Rent of the said Province due to the Proprietors) to pay to the said Cap^t Andrew Hamilton forthwith after Registering of this Order, the sum of One hundred Pounds Sterling which is Intended and Declared to be an acknowledgment for his Pains and Service as Deputy Governor and for all his own Expenses (Except what is Publick Charges) from the time he Entered the Government by appointment of Lord Neil Campbell, unto the day of the date of Governor Barclay's Commission, being the Eighteenth day of August Last Past, *And Further* the Proprietors do hereby allow unto the said Cap^t Andrew Hamilton, the sum of Two hundred Pounds Stirling Per annum for his Salary and his own Expenses as Deputy Governor to Commence from the date of the said Commission of the Eighteenth day of August last, and do Order and appoint the Receiver General (or in want of him then such Person or Persons as shall have the Receiving of the Quit Rents in the said Province due to the Proprietors) To pay to the said Cap^t Andrew Hamilton forthwith after Registering the said Commission so much Money as shall be grown due to the said Captain Andrew Hamilton since the date of the said Commission and what more shall grow due from time to time after the Rate of Two hundred Pounds Per annum as aforesaid, and the Receipt of the said Captain Andrew Hamilton shall be a sufficient discharge for so much as shall be Payed him Pursuant to this Order of the Proprietors, *Given* under the seal of the Province of East New Jersey this twenty-fourth day of September in the third Year of the Reign of James the Second over England &c King Annoque Domini One thousand six hundred Eighty & Seven.

Signed by Order of the Proprietors

WILL: DOCKWRA Agent.

*Instructions to Matthew Plowman, Collector of Customs,
at New York.*

[From "New York Colonial Documents," Vol. III., p. 501.]

Instructions for our Trusty @ Webelov'd Matthew
Plowman, Esq^{re} Our Collect^r and Receiver of
our Revenue in our Province of N York and
the Territories depending thereon in America.

[*Extract.*] And Whereas we have formerly directed
that all Shipp^s @ Vessels coming within or passing up the
River or Channell of N York or Hudson's River should be
obliged to make entries of their Lading at our City @
Port of New York, you are never the less to permitt all
shipp^s @ vessels bound for N. Perth in our Colony of
East N. Jersey to go directly thither w'thout touching at
N. York or being carried thither until further order, Pro-
vided always that the Government of East-New Jersey do
suffer such Person or Persons as shall be appointed by the
Governor in Chief of our said Province of New York or
yourself peaceably @ quietly to receive @ collect for our
use the same Customs @ Imports as are usually paid at
New York for such Shipp^s and their lading. . . .

Given at our Court at Whitehall this 13th day of Decem-
ber 1687 In the third year of our Reign

By his Ma'ty^s Command

SUNDERLAND P

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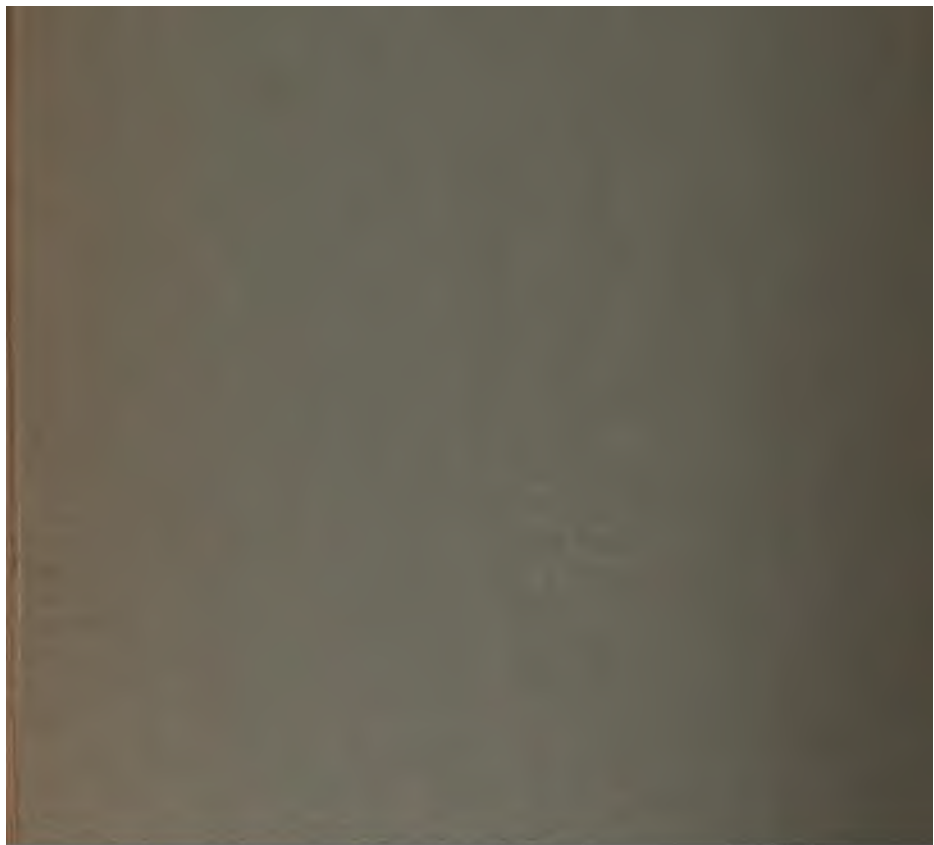
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